SERVING CANADIANS

SUMMATIVE EVALUATION OF THE VICTIMS OF CRIME INITIATIVE

Technical Report

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Evaluation Division
Policy Integration and Coordination Section

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EXECUTIVE SUMMARY

The federal Victims of Crime Initiative (VCI)[1] was launched in March 2000 with $25M in funding spread over five years. The VCI is administered by the Department of Justice through the Policy Centre for Victim Issues. The Initiative includes funding to support policy development, consultation, research, coordination, and communication activities. The VCI also established a Victims Fund (approximately $10 million or $2 million for each of 5 years) that provides grants and contributions to provincial and territorial governments and non-governmental organizations to develop, promote and enhance services and assistance for victims.

The overall goal of the Victims of Crime Initiative is to increase the confidence of victims of crime in the criminal justice system by:

- ensuring that victims of crime and their families are aware of their role in the criminal justice system and of services and assistance available to support them;
- enhancing the Department of Justice's capacity to develop policy, legislation and other initiatives which take into consideration the perspectives of victims;
- increasing the awareness of criminal justice system personnel, allied professionals and the public about the needs of victims of crime, legislative provisions designed to protect them and services available to support them; and,
- developing and disseminating information about effective approaches to respond to the needs of victims of crime both within Canada and internationally.

By supporting provinces and territories that work with victims, the Initiative will also enhance the role of victims within the criminal justice system.

In order to fulfil a central agency requirement to evaluate the success, relevance and cost-effectiveness of the Victims of Crime Initiative, a summative evaluation was conducted. The

[1] Also referred to in this document as the Initiative.

focus of the evaluation was on the results of the VCI. This report presents the findings from the summative evaluation of the VCI.

The evaluation methodology consisted of a file and document review, group interviews with PCVI staff, 9 case studies (consisting of interviews with project managers who received funding through the Victims Fund, victims, key stakeholders including both governmental and non-governmental organizations), and a two-day focus group with key stakeholders, including PCVI staff, the Federal Provincial Territorial Working Group on Victims of Crime and several other program analysts from Justice Canada. The evaluation framework guided the methodological approach to ensure that relevant information was applied to each research question and issue. However, several innovative approaches to the evaluation were employed that were not originally included as part of the evaluation framework (such as the focus group and surveys of key stakeholders during the focus group).

The evaluation concluded that the VCI is highly relevant to its stakeholders and to the government's agenda. All stakeholders who took part in the evaluation felt that the Victims of Crime Initiative should be a Government of Canada priority and expressed the desire for its continued existence. Federal statements and efforts including the United Nations' Declaration of Basic Principles of Justice for Victims of Crime, Throne Speeches, and the Report of the Standing Committee on Justice and Human Rights in 1998, Entitled Victim's Rights – A Voice, not a Veto all provide evidence of the relevance of federal involvement in victims issues.

Given the strong commitment by the FPTWG to the Initiative, the examination of cost-effectiveness and alternatives to the VCI was a contentious issue during the focus group and angered many of the provincial/territorial participants that the federal government would even question other mechanisms of achieving objectives and outcomes. Focus group participants commented that it costs money and takes time to build relationships with non-governmental organizations and service providers and four years of funding is not sufficient to establish a baseline for measuring cost-effectiveness or for developing alternatives. In addition, the success of the Initiative has made it difficult to consider exploring other alternatives, especially when there is still a great deal of victim-related work already accomplished by the Department through the VCI that needs to be built upon.

The VCI has been extremely successful in achieving several of its outcomes and objectives. While some outcomes were not necessarily within the scope or mandate of the VCI alone, the contribution the Initiative has made toward their achievement is well documented. Much of the

success of the Initiative is not only attributed to the PCVI but to the commitment, cooperation and participation of all provinces and territories and other federal departments toward victims issues in Canada. The FPTWG on Victims of Crime, project funding for Victim Support Workers, and funding for Crown Witness Co-ordinators in the northern territories are but only three of the many notable key successes of the Initiative. Positive and demonstrable impacts were evident in the policy and legislative instruments used by the VCI (e.g. FPTWG, research and policy activities), as well as through grant and contribution funding which has increased access to services, led to innovative approaches to help victims of crime, created more awareness about the rights of victims, enhanced capacity among service providers, created more integrated approaches to victims' policy, and provided more effective responses to the needs of victims of crime. While these outcomes were evident on a much smaller scale (at the project level) rather than across the entire Initiative, it is noted that the amount of funding that would be needed to achieve this scale of change at a broader level is much greater than what is available to the VCI.

Where success was not clearly evident, it was not for lack of effort and commitment of those implementing and working with the VCI, but rather issues of jurisdiction, confusion around the meaning of terms used in the evaluation framework, and the nature of responding to issues related to victims of crime (e.g. it is often very difficult to meet the needs of victims who have been harmed or traumatized, let alone measure the impact of an intervention such as the VCI).

In conclusion, the current combination of policy instruments which make up the VCI (PCVI, Victims Fund, and legislation) appear to be the most effective methods for federal involvement in the area of victims' issues. Provincial/territorial service delivery has been positively enhanced as a result of the Initiative and has assisted provinces and territories in managing some of the increased workload brought about through new victims' legislation. While many provinces and territories have insufficient funding to fully assist all victims in their respective jurisdictions, the federal involvement in victims' issues has helped to provide cost-effective alternatives to raising the profile and level of funding provided to victims' issues across the country.

If the role or level of federal support is diminished in the area of victims' issues, the impact will be twofold: it will have a negative impact on the provinces and territories as well as create an imbalance of federal focus between victims and offenders.

1. INTRODUCTION

During the 1990s, victims of crime and their advocates became increasingly vocal in their plea for an enhanced role for victims in the criminal justice system and for further recognition of victims' interests. The federal government responded by reviewing the role of victims in the criminal justice system, which led to the 1999 amendments to the *Criminal Code* and the allocation of $25 million over five years to the implementation of the Victims of Crime Initiative (VCI).

The VCI is administered by the Department of Justice through the Policy Centre for Victim Issues. The Initiative includes funding to support policy development, consultation, research, coordination, and communication activities. The VCI also established a Victims Fund (approximately $10 million or $2 million for each of 5 years) that provides grants and contributions to provincial and territorial governments and non-governmental organizations to develop, promote and enhance services and assistance for victims.

The Department's funding submission for the VCI provides for an evaluation strategy consisting of an implementation and summative evaluation, evaluation sub-studies, annual reporting, and performance measurement. This report is the summative evaluation of the VCI.

1.1. Background and Policy Context

The federal government shares jurisdiction over criminal matters with provinces and territories, and as such, both levels of government have collaborated in developing strategies for victims of crime. The provinces and territories are responsible for providing direct services to victims while the federal government is responsible for legislative amendments to the *Criminal Code*.[2]

[2] Fourteenth Report of the Standing Committee on Justice and Human Rights. *Victims' Rights – A Voice, not a Veto*, Shaughnessy Cohen, M.P., Chair, October 1998.

In 1973, the two levels of government entered into cost-sharing agreements on criminal injuries compensation programs where the federal government promoted minimum standards for compensation and encouraged provinces and territories to implement improvements to criminal injuries compensation programs. Furthermore, the federal government became involved in legislative reform and activities directed to victims issues throughout the 1980s. Examples include the creation of a Federal-Provincial Task Force on Justice for Victims of Crime, co-sponsoring and adoption of the United Nations Declaration of Basic Principles of Justice for Victims of Crime among provinces, territories and the federal government, which resulted in a Canadian Statement of Basic Principles of Justice for Victims of Crime, and the establishment of a Victim Assistance Fund to promote the development of victim services in provinces and territories.

Throughout the 1980s and 1990s, provinces and territories were also implementing legislation, programs, and policies reflecting the philosophy of the Canadian Statement of Basic Principles of Justice for Victims of Crime. During this period, most provincial and territorial victim services developed and enhanced their programs.

As a result of fiscal restraint, federal support for the criminal injuries compensation schemes ended in 1992. With the cessation of federal funding, and facing their own fiscal restraints, some provinces and territories cut back criminal injuries programs, while others terminated these programs altogether. Still other provinces reacted by introducing a victim surcharge on provincial offences or even by diverting provincial funds to expand victim services.

During this period, a prominent and vocal victims advocacy movement emerged, partly in response to media accounts of high profile murders and sexual assaults. These groups highlighted the plight of victims in dealing with police, Crown, courts, and correctional services and emphasized the need for a criminal justice system that responded to the needs of victims of crime. They demanded more respect and a greater role for victims in the criminal justice system. The federal government responded to this rising concern by proposing amendments to the *Criminal Code* that would consider victims' interests and concerns.

As a result of a motion in the House of Commons, the House of Commons Standing Committee on Justice and Human Rights launched a comprehensive review of the role of victims of crime in the criminal justice system. The subsequent report in 1998, *Victims' Rights – A Voice, Not a Veto*, made many recommendations for change.

Appendix B provides an historical overview of key events including the 1998 Report of the Standing Committee, the 1999 amendments to the *Criminal Code* (Bill C-79), and amendments to the *Corrections and Conditional Release Act* (CCRA).

1.1.1. Recommendations of the Standing Committee

The 1998 Report of the Standing Committee not only highlighted the significance of the progress made in the area of victims of crime but also emphasized the need for continued effort and support of new and innovative initiatives. The report advanced several recommendations regarding the role of victims in the criminal justice system including:

- that the Minister of Justice initiate a victims of crime strategy that recognizes the role of other levels of government in victims' issues and that uses the federal government's *"complementary role to facilitate co-operation and co-ordination among all participants"* in the criminal justice system[3];
- that the *Criminal Code* be amended to further protect victims of crime and facilitate their involvement in the criminal justice system; and
- that the CCRA be amended to better serve victims and their families.

Although the CCRA is the responsibility of PSEPC, the PCVI (funded by the DOJ) is involved with initiatives to consult on the implementation of the recommendations to support victims of crime.

The federal government's response to the Report of the Standing Committee in December 1998 indicates its support for the recommendations and highlights the importance for the *"continuation and enhancement of consultation"* with the provinces and territories.[4] The government's response states that the Standing Committee's report has clarified the misperception that victims of crime are making unreasonable demands on the criminal justice system and demonstrated that legislated "rights" are not the only solution to addressing victims' concerns. Furthermore, this report was identified as the starting point for "*a federal plan of action and strategy to improve the situation of the victim,*" which is a key component of the

[3] Ibid.
[4] Government of Canada. "Response to the Fourteenth Report of the Standing Committee on Justice and Human Rights, *Victims' Rights – A Voice, not a Veto,"* December 1998.

"*broader goal to increase the confidence of the people of Canada in our criminal justice system.*"[5]

1.1.2. Amendments to the *Criminal Code* (Bill C-79)

Another key development was the amendments to the *Criminal Code* (Bill C-79) in 1999. Parliament introduced this bill to "*enhance the safety, security and privacy of victims of crime in the criminal justice system.*"[6] The amendments highlighted the need to establish a balance between the rights of victims and witnesses and those of the accused, as well as the importance that the criminal justice system treats victims and witnesses with "*courtesy, security and privacy.*"[7] Essentially, these changes included:

- giving victims the right to read their victim impact statements at the time of sentencing if they wish to do so;
- requiring the judge to inquire before sentencing whether the victim has been informed of the opportunity to give a victim impact statement;
- requiring that all offenders pay a victim surcharge of 15% where a fine is imposed or a fixed amount of $50 or $100 for summary or indictable offences, respectively, and can be increased by the judge (except where the offender can demonstrate undue hardship);
- allowing the ordering of publication bans for a wider range of victims and witnesses;
- expanding the protection of victims and witnesses under the age of 18 years from cross-examination by a self-represented accused in sexual and personal violence offences;
- allowing any victim or witness with a mental or physical disability to be accompanied by a support person while giving evidence; and
- ensuring that the safety of victims and witnesses are taken into consideration in judicial interim release determinations.

Appendix C summarizes the changes to the *Criminal Code* with respect to victim impact statements, victim surcharge, publication bans, and facilitating testimony.

[5] Ibid.
[6] DOJ. "Summary of Progress on Federal Initiatives for Crime Victims." Web site: http://canada.justice.gc.ca/en/news.
[7] DOJ. "Proclamation of the *Act to Amend the Criminal Code (victims of crime)."* Web site: http://canada.justice.gc.ca/en/news.

1.1.3. Amendments to the CCRA

The final important legislative initiative in the evolution of the federal response to victims' needs emerged from a statutory review of the CCRA in 1999-2000 by a special subcommittee of the Standing Committee on Justice and Human Rights. Their May 2000 report, "A Work in Progress: The *Corrections and Conditional Release Act,"* recommended changes that included:

- increasing the amount of information provided to victims of crime by the CSC and the NPB;
- giving victims the opportunity to prepare and read an impact statement at parole hearings; and,
- making it possible for victims to listen to a taped recording of the parole hearing.

The report also stressed the importance of the CSC's continuing efforts to prevent unwanted communications to victims from offenders in federal institutions, and the establishment of a national office to provide information to victims and to handle complaints regarding CSC and NPB victim-related activities.[8]

The government supported the recommendations in principle and promised to consult with victims and victim services providers on options to implement them. The former Department of the Solicitor General (PSEPC), in partnership with the PCVI, hosted consultations in seven cities in March 2001. The consultations focused on three main themes: information needs of victims, Parole Board recommendations, and a proposed national office for victims of crime.

Four general messages emerged from these consultations:

- Victims believe that there is an imbalance between their rights and the rights of offenders. On a number of occasions, victims stated that they feel *"discounted, and treated unfairly by the justice system."*[9]
- Victims and their families want to be involved in decisions about the offender who harmed them. Victims want their perspective to be heard and respected and to have an impact. Some victims wish to be represented at every step of the criminal justice process and indicate a need for support from advocacy groups.

[8] Subcommittee on Corrections and Conditional Release Act of the Standing Committee on Justice and Human Rights. "A Work in Progress: The *Corrections and Conditional Release Act*" May 2000.
[9] Solicitor General of Canada. "National Consultation with Victims of Crime: Highlights and Key Messages." July 2001.

- Victims want to be treated with respect through all stages of the criminal justice process and by all criminal justice professionals (police officers, CSC or NPB staff, Crown, etc.). Many suggested training for criminal justice professionals on how to treat victims and their families.
- Victims are afraid for themselves and for their families. They fear being contacted by the offender, and they fear reprisals by the offender.

The former Department of the Solicitor General has acted on the Subcommittee's recommendations and the views of those who participated in the consultations. It announced that effective July 2001, victims of crime are entitled to present prepared impact statements at Parole Board hearings. Additional policy and legislative changes remain under review.

1.2. Evaluation Objectives and Issues

The purpose of the Summative Evaluation was to examine the continued relevance of the Initiative, how successful it has been at meeting its objectives and key outcomes, as well as the cost-effectiveness and alternatives for delivery of the VCI. The evaluation also assessed how effective the Policy Centre has been at monitoring the impacts of Bill C-79, and how effective it has been at assisting the provinces/territories. The evaluation responds to the evaluation framework (Appendix A) developed at the outset of the Initiative.

Evaluation questions were grouped into three main categories of issues:

- continued relevance of the Initiative;
- success of the Initiative (including the effectiveness of legislative provisions[10]); and,
- cost effectiveness and alternative ways to meet Initiative objectives.

1.3. Methodology

The evaluation methodology consisted of a file and document review (including a literature review), interviews with PCVI staff, case studies, and a two-day focus group with key

[10] While legislative evaluation was not part of the formal evaluation strategy, several questions/issues were of great interest to provinces and territories, and to some degree to non-government organizations regarding Bill C-79 and were therefore included in the evaluation. These questions/issues were addressed primarily in the *Multi-Site Study of Victims of Crime and Criminal Justice Professionals Across Canada* .

stakeholders, including PCVI staff (focus groups also included several survey components). The evaluation framework guided the methodological approach to ensure that relevant information was applied to each research question and issue. However, several innovative approaches to the evaluation were employed that were not originally included as part of the evaluation framework (such as the focus group and surveys of key stakeholders during the focus group).

1.3.1. File and Document Review

A review of reports, program documentation, databases, and selected files provided the essential understanding of the VCI and the PCVI. These included background and contextual information on the VCI; information on the Victims Fund; an overview of PCVI activities, partnerships, and linkages; and a review of communication, education, and research materials.

The materials reviewed as part of this component of the evaluation included:

- Victims Fund files and database (Project Control System);
- documents outlining the responsibilities and activities of the Policy Centre staff (such as the Mid-Mandate Report on Activities);
- PCVI publications (communications, PLEI media releases, reports and articles, web sites);
- meeting minutes and records of decisions;
- completed evaluation work on the VCI;
- victims of crime research conducted/planned within the Department of Justice (DOJ);
  - ARC Applied Research Consultants. (2001). *Summary Report on Victim Impact Statement Focus Groups*. Department of Justice, Ottawa.
  - Martell Consulting Services. (2002). A *Report on Restitution in Nova Scotia*. Department of Justice, Ottawa.
  - Roberts, J.V. and A. Edgar. (2002). *Victim Impact Statements at Sentencing: Perceptions of the Judiciary: Findings from a survey of Ontario Judges*. Department of Justice, Ottawa.
  - *Multi-site Survey of Victims of Crime and Criminal Justice Professionals Across Canada*. (2004). Prairie Research Associates, Inc. Department of Justice, Ottawa.
- information from jurisdictions on services and activities collected by the Policy Centre;
- Northern Region Crown and Victim Witness Assistants Meeting Proceedings, October 2003; and,
- other documents identified by the Policy Centre staff.

The *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals Across Canada* (hereinafter Multi-site Study) was a very large, comprehensive study undertaken by the PCVI between 2001 and 2003[11] to assess how effective the recent *Criminal Code* amendments and other provisions are in promoting access to justice, fair treatment and assistance for victims of crime. Data were gathered on:

- use and awareness of recent reforms, including the recent *Criminal Code* provisions, by criminal justice professionals as they pertain to victims of crime;
- nature of information provided to victims during the criminal justice process;
- victims' experiences with the legal provisions and other services that are intended to benefit them throughout the criminal justice process; and,
- barriers to the implementation of recent reforms for criminal justice professionals.

This survey helps to provide information on the effectiveness of legislative changes, from the perspectives of both criminal justice personnel and victims of crime and demonstrates the PCVI's ability to monitor impacts of the legislative provisions. It also provided significant findings on the information needs and experiences of victims of crime.

1.3.2. Focus Group (and Surveys) with Key Stakeholders and PCVI Staff

A focus group with PCVI staff and key stakeholders formed the core of the evaluation. Thirty-five key stakeholders participated in a focus group held in Montreal, Quebec from February 5th – 6th, 2004. Several group sessions and break-out group sessions were held over a two-day period. Participants reflected the following stakeholder groups:

- PCVI personnel (9)[12];
- provincial and territorial representatives, including directors of victim services and representatives of provincial/territorial justice departments (18);

[11] Summary reports to be released in fall 2004

[12] Included in this group are representatives from Communications Branch, Research and Statistics Division, and Programs Branch who provide services to the PCVI either through a Memorandum of Understanding or other service agreement.

- representatives from other DOJ branches and sections including the Aboriginal Justice Directorate, the Office of the Northern Region, Criminal Law Policy Section, Northwest Territories Regional Office and Evaluation Division (5); and,
- representatives from other federal departments including the National Parole Board (NPB), the Royal Canadian Mounted Police (RCMP), and Public Safety and Emergency Preparedness Canada (PSEPC) (3).

During the two-day focus group, participants also completed individual surveys and submitted them for further analysis. This technique allowed quantitative information to be collected and analyzed after the focus group with immediate discussions focusing on the qualitative component.

1.3.3. Interviews with PCVI Staff

Interviews with PCVI staff were used to supplement the focus group discussions. These included both one-on-one interviews as well as group interviews with PCVI staff. This was generally done informally without the use of an interview guide.

1.3.4. Case Studies

Case studies of projects that received funding from the Victims Fund were conducted between September and December 2003. The focus of the case studies was on examining the extent to which each project had contributed to:

- a more integrated approach to victims' policy;
- more effective responses to the needs of victims;
- increased access to services;
- more awareness about the rights of victims;
- enhanced capacity among service providers; and,
- an innovative approach to help victims of crime.

While there are 18 intermediate outcomes (3-5 years) and 15 long-term outcomes (5-10 years) listed in the evaluation framework, it would have been too onerous a task to ask funded projects to report on all outcomes (and many of these outcomes are not attributable down to the funded project level as they are more policy-based). In addition, given that the VCI was only in year 4 of

its mandate at the time of the case studies, the majority of the long-term outcomes would not have occurred until a renewed mandate. As a result, the focus was on the six key outcomes (5 intermediate outcomes and 1 long-term outcome) that the VCI had committed to report on in its evaluation framework.

Projects were selected based on several criteria. It was important that the case studies include a representation of projects from as many provinces/territories as possible. In addition, size of project, funding level, ability to gather feedback, measurability, and innovativeness were all used as criteria in project selection.

The PCVI provided the Evaluation Division with a list of all projects funded from the inception of the Victims Fund until May 2003. Upon review of the list of approximately 115 "projects", only a small group were deemed feasible as potential case studies[13]. The Evaluation Division also wanted to minimize the need for project-specific interview guides (i.e. tailoring the questions for each project studied) and therefore, in consultation with the PCVI, decided that the case studies would focus on two types of projects only: projects that had used funding to enhance victim service delivery in the provinces and territories either by staffing a victim support worker/co-coordinator (VSW)[14] or aboriginal support worker/co-coordinator (ASW).[15] Other types of projects such as those that involved implementing a training program or development of public legal education and information (PLEI) materials were excluded as there was not a sufficient number of these types of projects funded across the country with common objectives and results, making it difficult to roll results up to the Initiative level. In addition, evaluation of PLEI materials would require pre-project and post-project evaluation and funding was insufficient to conduct any pre-project baseline studies.

The following is a list of case studies (projects) that were included in the summative evaluation of the VCI:

- Alberta : Ek'timahit Victims Services Enhancement

[13] In fact, not all of the funding went to "projects", in some circumstances, grants were provided for individuals to attend conferences (i.e. the NOVA conference), or to victims who were the recipients of financial assistance through the Financial Assistance Component of the Victims Fund and were therefore, not suitable for in-depth case studies.

[14] Most provinces and territories have permanent victim services workers (VSWs) and receive project funding from the Victims Fund for additional victim services workers (VSWs).

[15] Given the differences in how victims services are delivered across Canada, the titles of the individual workers being staffed through these projects could vary.

- Yukon : Community Outreach Victims Services Worker
- NWT: Victims Co-coordinator (enhancements to existing services)
- Newfoundland/Labrador: Enhancement to Newfoundland/Labrador Victim Services (Victim Assistance Services)
- Nova Scotia: Enhancement of services provided to victims of crime[16]
- PEI: Victim Services Outreach Pilot Project (enhance service provision to special populations of victims, i.e. francophones, aboriginals and seniors)
- New Brunswick: Big Cove Victim Assistance Worker
- New Brunswick: Valley Intervention Network for Victims
- Québec: Intervenante autochtone pour les victimes d'actes criminels

1.4. Organization of the Report

The summative evaluation report contains four sections including the present introduction (Section 1). Section 2 describes the VCI, including a high level overview of the Initiative, the mandate of the PCVI, objectives of the VCI and the Victims Fund. Sections 3, 4, and 5 present the findings from the various lines of evidence and address the evaluation issues and questions as per the following:

- Section 3: Relevance
- Section 4: Success
- Section 5: Cost-Effectiveness and Alternative for Delivery

Section 6 provides conclusions.

[16] This project also included a component for the development of print information materials as well as funding for technology. The case study focused solely on the enhancements to the delivery of victim services and as such, did not examine any of these additional components that received funding.

2. DESCRIPTION OF THE VCI

This section describes the Initiative including its objectives, the mandate of the PCVI, and the objectives of the Victims Fund.

2.1. Overview of the VCI

The federal Victims of Crime Initiative was launched in March 2000 with $25M in funding spread over five years. The VCI is administered by the Department of Justice through the Policy Centre for Victim Issues. The Initiative includes funding to support policy development, consultation, research, coordination, and communication activities. The VCI also established a Victims Fund (approximately $10 million or $2 million for each of 5 years) that provides grants and contributions to provincial and territorial governments and non-governmental organizations to develop, promote and enhance services and assistance for victims.

The overall goal of the VCI is to increase the confidence of victims of crime in the criminal justice system. The main objectives are:

- ensuring that victims of crime and their families are aware of their role in the criminal justice system and services and assistance available to support them;
- enhancing the Department of Justice's capacity to develop policy, legislation and other initiatives which take into consideration the perspective of victims;
- increasing the awareness of criminal justice system personnel, allied professionals and the public about the needs of victims of crime, legislative provisions designed to protect them, and services available to support them; and
- developing and disseminating information about effective approaches both within Canada and internationally to respond to the needs of victims of crime.

By supporting provinces' and territories' work with victims, the VCI will also enhance the role of victims in the criminal justice system.

2.1.1. Mandate of the PCVI

In establishing the Policy Centre for Victim Issues, the federal government recognized the constitutional division of powers regarding the criminal justice system in Canada (refer to Table 1 on the following page). The intent is to work together with provinces and territories to bring about improvements that benefit victims. There was some concern at the provincial and territorial level that the Policy Centre should not duplicate efforts and become implicated in service delivery. In addition, they were wary of creating a large bureaucracy that might divert funding away from services and programs. These concerns shaped the development of the Policy Centre, which is intended to provide leadership and to help facilitate provincial and territorial actions.

TABLE 1: Shared Jurisdictions for Victim Issues

Jurisdiction	Main Responsibilities
Federal Government[17]	Enacting criminal law (Criminal Code, Young Offenders Act, Corrections and Conditional Release Act) Correctional Services Canada and National Parole Board provide information and limited role for victims through *Corrections and Conditional Release Act* Research and encouraging program development through project funding and public information Law reform and policy development Evaluation and monitoring of national programs and *Criminal Code* amendments (e.g., Bill C-79) Crown prosecution in territories
Provinces and Territories	Enforcing the law, prosecuting offences, and administering justice Delivery of victim services Victim legislation (may include principles, administration of Victims Fund, criminal injuries compensation, surcharge on provincial offences, service standards) Evaluation and monitoring of jurisdictions' programs, services, and delivery models Research Courts administration

[17] Note: The Policy Centre for Victim Issues also funds the delivery of court-based victim services in the three Territories. We have included this responsibility under the jurisdiction of provinces and territories.

Responsibilities of the PCVI include:

- increasing confidence of victims of crime in the criminal justice system;
- coordinating, managing, and developing federal victim initiatives;
- encouraging the development and support of a Federal/Provincial/Territorial (FPT) "strategy" on victims' issues; and,
- ensuring that the perspectives of representatives of all components of the criminal justice system are reflected in victim-related policies and programs.

2.1.2. Objectives of the Victims Fund

The Victims Fund is one of the key mechanisms supporting the VCI. The Fund provides grants and contributions to provincial and territorial governments and NGOs to develop, promote, and enhance services and assistance for victims. It does not provide ongoing (core) funding for projects. The Fund has four components, each with its own objectives:

- *Provincial and territorial implementation* – assists provinces and territories to implement legislation for victims of crime, in particular the provisions of the *Criminal Code* (e.g., victim impact statements, consideration of victim safety at bail, publication bans, restitution), through the development/enhancement of police, court, Crown, or system-based victims assistance programs;
- *Innovative pilot projects and activities* – assists government and NGOs to promote the development of new approaches to meet victims' needs. It encourages the establishment of service provider networks, responds to emerging issues in victimization, and provides support to victims engaged in restorative justice or alternative measures. This component pursues its objectives with innovative projects; public education initiatives; enhanced assistance to victims of crime; increased awareness of and access to services and assistance; and the establishment of referral networks, training initiatives, and other initiatives;
- *Northern and rural projects and activities* – assists government and NGOs to contribute to the development and expansion of victim services and assistance to increase access to such services in northern and rural communities; and
- *Financial assistance component*[18] – provides limited financial assistance to individual victims of crime or surviving family members faced with unusual or extreme hardship due to criminal victimization where no other adequate source of financial assistance is available. In

[18] This is the only component of the Fund that provides direct support to victims of crime.

addition, it provides financial assistance to surviving family members of homicide victims to attend early parole eligibility hearings (s. 745.6) including travel, accommodation, and meal allowances in accordance with prevailing Treasury Board guidelines.

3. RELEVANCE

This section of the report discusses the findings with respect to the relevance of the Victims of Crime Initiative. The majority of the findings presented in this section stem from the focus group discussions, surveys distributed during the focus groups, as well as a document review of recent articles, documents and news clippings on the Victims of Crime Initiative and victims' issues in general. The first section examines the overall relevance of the Initiative followed by a more detailed discussion about the relevance of individual activities associated with the Initiative.

3.1. Relevance of VCI Overall

Relevance focuses on whether or not program or policy instruments continue to address strategic priorities and/or actual needs. Two key research questions are addressed through the examination of relevance:

- Is there a continued need for the VCI?
- Does the Initiative continue to be relevant with government of Canada priorities and provincial/territorial priorities?

3.1.1. United Nations' Declaration of Basic Principles of Justice for Victims of Crime

In recognition of the *United Nations' Declaration of Basic Principles of Justice for Victims of Crime,* the Federal and Provincial Ministers Responsible for Criminal Justice agreed, in 1988, on ten principles that should guide Canadian society in promoting access to justice, fair treatment and provision of assistance for victims of crime. In 2003, the Federal and Provincial Ministers Responsible for Criminal Justice renewed the *Canadian Statement of Basic Principles of Justice for Victims of Crime*, and by doing so renewed their commitment to victims of crime. The new *Statement* recognizes that all provinces and territories as well as the federal government share the responsibility and obligation to improve the experience of the victim in the criminal justice system, while working within each jurisdiction's respective mandates.

3.1.2. Report of the Standing Committee on Justice and Human Rights in 1998, entitled Victim's Rights – A Voice, not a Veto

This report continues to provide the foundation for the relevance of federal involvement in victims issues. Those appearing before this committee in 1998 urged that the criminal justice system be further opened up to accommodate their needs and interests.

"Victims argue that their rights and entitlements can coexist with and complement the long-recognized and Charter-entrenched rights of accused persons and offenders. To summarize, victims ask for a voice in, not a veto over, what happens at each stage of the criminal justice process. They ask for information and notification - about how the criminal justice system functions, about the programs and services available to them, and about the various stages of the case in which they are involved. They argue that they are entitled to be treated with dignity. They urge the provision of adequate financial, human, and other resources to programs intended for victims of crime. They identify as a critical problem the uneven availability of victims' programs and services both between provinces and territories, and within them. In their view, addressing all of these issues will restore the imbalance they see in the criminal justice system. Responding meaningfully to the needs and interests of victims will, they argue, also go a considerable way to restoring confidence in the criminal justice process."

The report concluded that a strategy which recognizes the role of both the federal and provincial/territorial governments is essential for improvements to the criminal justice system when addressing the needs of victims of crime regarding entitlement to information, services and assistance, and the victims' role in criminal proceedings.

The concerns and issues expressed in this report reflect changes that will take a significant time to implement and much collaboration between the federal government and the provinces and territories.

3.1.3. Throne Speeches

Evidence of the continued relevance of victims' issues is also present in recent Throne Speeches. In the September 2002 Speech from the Throne victim issues were addressed and the government noted that "parents have the primary responsibility for providing their children with the tools to learn and develop. But Canadians also have a collective responsibility to protect Canada's children from exploitation in all its forms, and from the consequences of family

breakdown. The government will therefore reform the Criminal Code to increase the penalties for abuse and neglect, and provide more sensitive treatment for children who take part in justice proceedings as victims or as witnesses." Direct mention of victim issues were also in the January 2001 Speech from the Throne where it was said that "the Government of Canada will continue to work with provinces and territories, communities, and all its partners to implement a balanced approach to addressing crime — focusing on prevention as much as punishment, strengthening penalties for serious crime, and considering the needs of victims."

Victim issues are also key to the commitments made in Throne Speeches as they relate to governmental priorities in the area of safe and healthy neighbourhoods, human rights issues, community justice and Aboriginal justice. In 2002 the Throne Speech stated that the Government "will work with these communities to build their capacity for economic and social development, and it will expand community-based justice approaches, particularly for youth living on reserves and Aboriginals in the North." In January 2001, working with provinces, territories, and communities, the government committed efforts to strengthen the capacity of local communities to deal with conflict, prevent crime, and address drug abuse." Victim issues play a key role in many of these areas and the 'victims lens' has been brought to the table when Justice Canada discussions and policy work in these areas are advanced.

3.1.4. Consensus from Evaluation participants

There was unanimous consensus from all evaluation participants about the continuing need for the VCI and ongoing attention to victim issues. Support for this finding is best described through the words of those who participated in the focus groups:

- *"If a coordinated approach does not come from the federal level, then how will coordination be achieved? We cannot afford to lose a centre of expertise."*
- *"The criminal justice system is offender-centered, but this requires that victims' voices be heard."*
- *"It takes more than five years to change the system."*
- *"Victims are not a fad – we don't need another Montreal disaster to justify this program"*
- *"Victims feel that this is not a static field and there is a need for government leadership."*
- Sustainability of victims' issues and support depends on funding: "*We have created expectations in the last four years and there will be bad optics if we do not continue."*

While all focus group participants felt that the VCI should be a Government of Canada priority and expressed the desire for its continued existence (see Tables 2 and 3 below), there was an overwhelming sense that support at political and the highest senior levels of the public service (both federal and in some cases provincial) on victims issues is needed to ensure this area remains a priority for future governments.

TABLE 2: To what degree is there a continuing need for the VCI? (n=31)

	Low	Moderate	High	DK/NA
	#	#	#	#
Provincial/Territorial	-	-	16	-
Justice	-	-	4	-
Other Feds	-	-	2	1
PCVI	-	-	8	-
Total	-	-	30	1

TABLE 3: To what degree does the Initiative continue to be relevant with government of Canada priorities or provincial priorities? (n=31)

	Low	Moderate	High	DK/NA
	#	#	#	#
Provincial/Territorial	-	5	11	-
Justice	-	1	3	-
Other Feds	-	-	2	1
PCVI	-	2	3	3
Total	-	8	19	4

Based on federal statements, activities and stakeholder responses, victim issues at the federal level remain a relevant concern. The VCI continues to be instrumental in addressing the needs of victims of crime.

3.2. Relevance of PCVI Activities

Focus group participants also discussed the relevance of the activities carried out by the PCVI. The purpose of these discussions was to gauge how important/relevant individual activities and sub-activities are to the success of the VCI and to determine if resource levels are appropriate. In addition, participants commented on ways to make individual activities more relevant. This issue was discussed with reference to the five main activity themes of the VCI as follows:

- coordination and integration;
- research and policy development;
- communication and public legal education;
- support to and from provinces and territories; and
- support to victim organizations and victims they serve.

Within each of these activity themes (categories), a total of 50 sub-activities (across all activity themes) were identified and discussed during the focus group as well as in a survey distributed to focus group participants. Findings are presented under each major activity theme below. Sub activities are also identified in figure boxes under each activity theme for reference purposes.

3.2.1. Coordination and integration

Coordination and integration sub-activities were seen to be highly relevant to the VCI. Ten of the eleven sub-activities under this theme had at least 80% of respondents indicate the sub-activity was relevant (see Table 4).

The most relevant sub-activities were: "a. *Providing funding to address victims' needs*" (97% of survey respondents rated this as relevant), "c. *Identifying and coordinating project funding from related departmental initiatives with the needs of victims of crime*" (97% of survey respondents rated this as relevant) and "e. *Participation in FPTWGs*" (100% of survey respondents rated this as relevant) were the sub-activities most frequently mentioned as the most important/relevant to the VCI.

One provincial participant summed up the thoughts of their breakout group:

"We saw the working group and policy centre as our voice to departments at the federal level. All of this works through the policy centre as the hub. We know funding is important, but you also need the foundation provided by a centre and a working group."

The least relevant sub-activity to focus group participants was: "Participation in international and national conferences, and supporting international activities". This could be attributed to the fact that the majority of participants were from the provincial government and therefore, international activities are not as relevant to them as their focus is more on domestic and local community needs. PCVI staff also noted that participation and support in national and international conferences has assisted the Department of Justice in keeping abreast of trends and emerging practices in the area of victims of crime, information that is vital to the policy development process.

TABLE 4: How relevant/ important is this sub-activity to you?

Sub-activity	% said sub-activity is relevant/very relevant
a. Providing funding to address victims' needs	97%
b. Managing a project information and control system to provide information on the status of projects	80%
c. Identifying and coordinating project funding from related departmental initiatives with the needs of victims of crime	97%
d. Consultations with non-government organizations	83%
e. Participation in FPTWGs	100%
f. Working jointly with the FPTWG on Restorative Justice	87%
g. Participation in international and national conferences, and supporting international activities	57%
h. Developing an inventory of victim legislation, programs, and services in Canada that is updated annually	87%
i. Participation in departmental and interdepartmental working groups	90%
j. Providing and obtaining advice on victim issues from other program areas that also deal with victims of crime	93%
k. Establishing a network of experts in the area of victim issues	87%

3.2.2. Communication and public legal education

More than 90% of focus group participants rated the following sub-activities in this activity theme as either relevant/very relevant (see Table 5):

- preparing public legal education materials" (97%);
- analysing and synthesizing collected information, so as to enhance knowledge of victim issues, effective practices, and to be in a better position to share this information" (97%);
- collecting studies and reports, and providing a clearinghouse of information to serve as a reference for others" (94%); and,
- preparing fact sheets on *Criminal Code* amendments and related issues" (93%).

TABLE 5: How relevant/ important is this sub-activity to you?

Sub-Activity	% said sub-activity is relevant/very relevant
a. Establishing a website with links to related sites	83%
b. Preparing public legal education materials	97%
c. Preparing fact sheets on *Criminal Code* amendments and related issues	93%
d. Collecting studies and reports, and providing a clearinghouse of information to serve as a reference for others	94%
e. Sharing information through participation at conferences, and providing displays	79%
f. Analysing and synthesizing collected information, so as to enhance knowledge of victim issues, effective practices, and to be in a better position to share this information	97%
g. Maintaining up-to-date information on programs and services available across Canada	77%

Focus group participants felt that improvements could be made in the distribution of PLEI and communications materials and saw merit in the further development of a clearinghouse of information. Participants expressed a need for more government collaboration in generating awareness of victims' issues among the general public through public service announcements with the suggested mediums of radio and television (although participants noted that communications challenges persist in the territories, where areas of lower literacy and limited computer availability affect the choice and dissemination of communication products). It was also suggested that a greater emphasis should be placed on targeting criminal justice personnel in communications materials across Canada.

One of the reasons that communications and public legal education was considered relevant to focus group participants is that provincial resources do not exist for many of these sub activities. Public legal education material and facts sheets were seen by some participants as critical given an absence of capacity in certain provinces. In other provinces, where capacity and resources are more substantial, this was not as critical an activity. They felt that the PCVI was filling an important gap for victims of crime that they could not address given their own resource limitations.

3.2.3. Support to and from provinces and territories

The most important/relevant sub-activities to focus group participants under this activity theme were (see Table 6):

- funding projects through the Victims Fund to facilitate implementation of the *Criminal Code* amendments and the Canadian Statement of Basic Principles of Justice for Victims of Crime (97%);
- sharing information (97%); and,
- facilitating implementation of the amendments by providing information and advice to provinces and territories (93%).

TABLE 6: How relevant/ important is this sub-activity to you?

Sub-Activity	% said sub-activity is relevant/very relevant
a. Facilitating implementation of the amendments by providing information and advice to provinces and territories	93%
b. Funding projects through the Victims Fund to facilitate implementation of the *Criminal Code* amendments and the Canadian Statement of Basic Principles of Justice for Victims of Crime	97%
c. Undertaking joint projects between FPT governments	79%
d. Facilitating action on the Canadian Basic Principles of Justice for Victims of Crime, to which the federal, provincial, and territorial governments are joint signatories	77%
e. Leading and supporting participation in FPTWGs by the jurisdictions	90%
f. Sharing information	97%
g. Identifying and conducting research needed to support the provinces and territories	79%

The sub-activity "identifying and conducting research needed to support the provinces and territories" was rated relevant/very relevant by 79% of survey respondents. However, provincial/territorial focus group participants wanted to see a more strategic approach to research, which would allow them to be more involved in setting the research agenda, perhaps through a research sub-group (of the FPTWG) to define needs and capacity.

Participants also expressed a need to share information in between working group meetings, aside from what is already provided and communicated on the VCI website. Participants also wanted a more formal and coordinated process for setting working group agenda items and felt that better use of technology such as an FPTWG chat room and\or teleconferencing would benefit them as a whole in between regular meetings.

3.2.4. Support to victim organizations and victims they serve

The most important/relevant sub-activities to focus group participants in this activity theme were (see Table 7):

- encouraging the development of programs and services in northern and rural areas (93%); and,
- sharing information (93%).

TABLE 7: How relevant/ important is this sub-activity to you?

Sub-Activity	% said sub-activity is relevant/very relevant
a. Conducting and participating in consultations with non-government organizations	86%
b. Providing funding to develop innovative approaches to help victims of crime	83%
c. Sharing information	93%
d. Encouraging the development of programs and services in northern and rural areas	93%
e. Referring victims and victim advocates to the appropriate agencies working with victims of crime	50%
f. Funding to NGOs to enhance their capacity	75%
g. Financial assistance to victims in emergency situations	76%

Some of the sub-activities under this activity theme had lower levels of support from focus group participants as compared with the four other activity themes. The main reason for this difference appears to be because some provincial/territorial participants feel that direct support to non-governmental organizations, victims and victim advocates is not an appropriate role for the federal government. They feel that the federal (VCI) relationship should be with the provinces and the provinces need a relationship with the communities. However, there are many areas the federal government can be active in this area (e.g. supporting victim organizations and the victims they serve) without encroaching on provincial/territorial jurisdiction. The PCVI reports that it has been very cautious in this area.

Provincial/territorial participants were also concerned about project funding which can lead to raised and unmet expectations in the absence of sustainable funding which is needed to develop infrastructure and expertise. Project funding, which is the current mechanism used to allocate monies out of the Victims Fund, is not as relevant to them as many provinces don't yet have a solid infrastructure for the operation of core services – making it difficult to make use of project funding for innovative purposes. For this reason, some reluctance has been expressed at provincial levels to pursue project funding (e.g. for pilots). As a result, provincial participants identified their needs in terms of priority according to three tiers of funding: 1) consolidation of services to build infrastructure; 2) funding to develop core services where there are gaps; 3) innovative projects.

While innovation was not the top priority in terms of funding models, participants felt that funding should be provided for each of these levels. They noted that, in their opinion, without seed money for innovative projects, success was in jeopardy. They also noted that capacity building is needed particularly in rural, remote and northern communities before innovative projects could be successful.

3.2.5. Research and policy development

The consensus from the focus group was that this activity area (research and policy development overall) is highly relevant to stakeholders. However, they found it difficult to rate individual sub-activities as many of them overlap and essentially come down to a "victims' lens" role – which participants felt was very important.

The sub-activities that received the highest number of relevant/very relevant responses were (see Table 8):

- reviewing related legislation and ensuring it includes a victims of crime perspective (e.g., *Corrections and Conditional Release Act*) (97%);
- analysing proposals for general *Criminal Code* amendments, and those specifically related to victims of crime (90%);
- monitoring implementation of victim-related *Criminal Code* amendments (e.g., Bill C-79) (90%); and,
- developing options for implementing legislation, including *Criminal Code* amendments (90%).

TABLE 8: How relevant/ important is this sub-activity to you?

Sub-Activity	% said sub-activity is relevant/very relevant
a. Advising the Minister of Justice on emerging issues (e.g., preparing briefing notes)	83%
b. Reviewing related legislation and ensuring it includes a victims of crime perspective (e.g., *Corrections and Conditional Release Act*)	97%
c. Responding to Ministerial requests, preparing questions, and answering documentation on an as needed basis	62%
d. Providing legal analysis and advice within government	77%
e. Undertaking legal research and reviewing case law	83%
f. Analysing proposals for general *Criminal Code* amendments, and those specifically related to victims of crime	90%
g. Forecasting and environmental scanning	69%
h. Preparing a research plan to support the Centre's efforts	70%
i. Collecting data, developing and implementing research initiatives	83%
j. Evaluating existing programs and assessing their adaptability to other areas	85%
k. Providing statistical services and analysis	67%
l. Assessing victim needs and undertaking polling research	70%
m. Monitoring implementation of victim-related *Criminal Code* amendments (e.g., Bill C-79)	90%
n. Monitoring international trends and legislation	55%
o. Providing support to litigators on interpretation and possible Charter litigation	60%

Sub-Activity	% said sub-activity is relevant/very relevant
p. Developing options for implementing legislation, including *Criminal Code* amendments	90%
q. Encouraging research to identify the needs of victims and gaps in services and information.	83%
r. Evaluating legislation affecting victims of crime	76%

Focus group participants (and in particular provincial and territorial Directors of Victim Services) expressed a need to better balance the number of research (survey) projects and amount of money available for research (survey) projects that are provincial versus national in scope. One of the areas where this would be most helpful to provinces is in identifying the needs of victims and gaps in services and information at a provincial level. One suggestion to improve the relevance of the research function was to provide grant and contribution funding to individuals applying for funding through the Victims Fund instead of having a research function based solely out of the federal department of Justice. This would enable provinces to be more involved in the research agenda and would help to close some of the gaps between research and policy at a provincial level.

3.3. Summary

Federal statements and efforts including the United Nations' Declaration of Basic Principles of Justice for Victims of Crime, Throne Speeches, and the Report of the Standing Committee on Justice and Human Rights in 1998, Entitled Victim's Rights – A Voice, not a Veto all provide evidence of the relevance of federal involvement in victims issues. Focus Group participants were unanimous in their view that there is a continuing need for the VCI. All participants rated the continuing need for the VCI as high.

While all stakeholders who took part in the evaluation felt that the Victims of Crime Initiative should be a Government of Canada priority and expressed the desire for its continued existence, there was an overwhelming sense that support at more senior levels of government (both federal and in some cases provincial) on victims' issues is needed to ensure this area remains a priority for future governments.

All of the individual sub-activities that are carried out on a day-to-day basis by the PCVI in pursuit of achieving the VCI's goals and objectives are either highly relevant or relevant to its key stakeholders (primarily the FPTWG). While this list of sub-activities is quite exhaustive in

nature (there are 50 of them), it demonstrates that the PCVI is doing the right activities and working with the right stakeholders to advance a coordinated victims agenda.

4. SUCCESS

This section of the report discusses the findings with respect to the success of the Victims of Crime Initiative in achieving its overall goal, objectives, and outcomes. The majority of the findings presented in this section stem from the focus group discussions, surveys distributed during the focus groups, literature review of research on the effectiveness of legislative provisions and case studies of Victims Fund projects[19]. The first section examines the success of the Initiative in achieving its overall goal and objectives followed by a more detailed discussion about the Initiative's success in achieving 18 outcomes (in some cases these are grouped together for ease of reading).

It is important to note that the success of the Initiative was measured against the goal, objectives, and outcomes that were determined at the outset of the Initiative and documented in the Evaluation Framework. As this was a new Initiative at the time, few stakeholders were involved in the development of the Evaluation Framework.

4.1. Achievement of Overall Goal and Objectives

Part of the examination/evaluation of success focuses on the degree to which program or policy instruments are meeting stated objectives and the overall program goal. This section of the report summarizes the focus group discussion results and survey results for all participants on the following related questions:

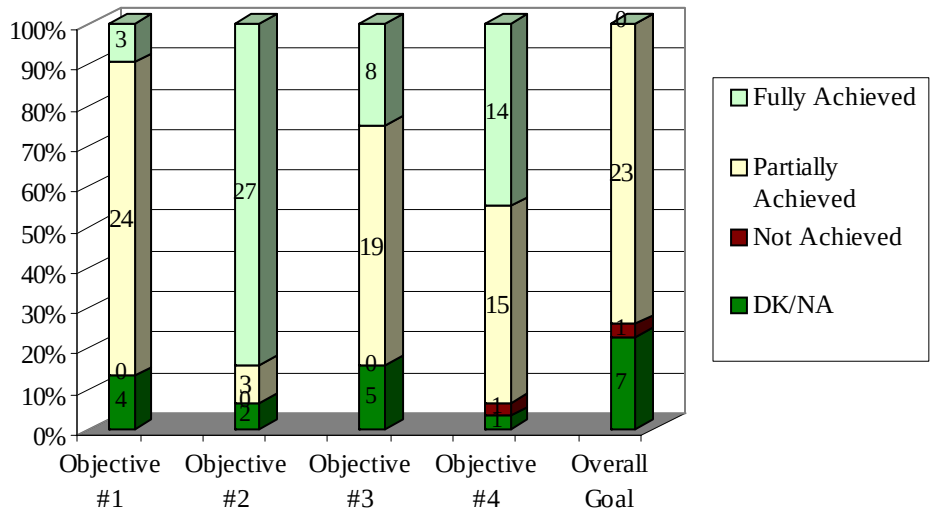
- To what extent was the overall goal of the VCI achieved?
- To what extent were each of the four objectives achieved?

The chart below outlines the results of the survey administered to focus group participants asking them to rate whether the objectives of VCI had been fully achieved, partially achieved or not

[19] Case studies examined the achievement of outcomes only

achieved. Responses were consistent among the provincial/territorial, federal and PCVI respondents and are presented in the aggregate in Chart 1.

Chart 1: To what extent were each of the objectives and overall goal of the VCI achieved?



Objective #1: ensuring that victims of crime and their families are aware of their role in the criminal justice system and services and assistance available to support them;
Objective #2: enhancing the Department of Justice's capacity to develop policy, legislation and other initiatives which take into consideration the perspective of victims;
Objective #3: increasing the awareness of criminal justice system personnel, allied professionals and the public about the needs of victims of crime, legislative provisions designed to protect them, and services available to support them; and
Objective #4: developing and disseminating information about effective approaches both within Canada and internationally to respond to the needs of victims of crime.

Overall Goal: to increase the confidence of victims of crime in the criminal justice system.

Objective #2 received the highest number of responses as being "fully achieved", while the other objectives were generally considered "partially achieved". The overall goal was considered by a large majority of respondents (74%) to have been partially achieved. Focus group participants

repeatedly explained that the high number of partial achievement responses was due to several critical factors:

1. Some of the stated objectives, as well as the scope of the VCI's goal was overly broad to participants. Participants found it difficult to directly attribute the changes they view happening as directly achieved by the VCI given the Department of Justice does not provide direct service to victims; this is the responsibility of the provincial/territorial jurisdictions.
2. Many of the objectives are long-term in nature and are not achievable in a five-year mandate. The Evaluation Framework had also specified the objectives as being targeted over a 10-year timeframe. It was noted also that any progress on victim issues is successful, as all needs will never be met.

The following text discusses each objective and goal individually.

Objective #1 of the Initiative is *"to ensure victims of crime and their families are aware of their role in the criminal justice system, and the services and assistance available to support them"*. All participants believed that this objective had been partially achieved and that it was unlikely to be fully achieved within the next year. Only partial achievement was seen to be possible given the wording of the objective, as well as its focus on reaching all victims of crime and their families. There were seen to be tiers or levels of awareness with provinces/territories considered the most aware due to their direct contact with the Initiative, followed by local service providers, and finally victims themselves. Participants felt that a significant, albeit unmeasured, contribution to awareness building had been achieved through measures such as funded projects (designed to increase awareness), legislative change, facts sheets, and working groups. Awareness building continues to be greatly needed in northern communities where higher illiteracy levels require alternative methods and plain language in communications products. This continues to be a challenge for the VCI. However, an example of how the Initiative has aided in the northern region is the funding provided for Crown Witness Coordinators (CWCs) – this is a concrete measure that has helped to increase awareness – as CWCs interact directly with victims – victims who otherwise might not have received information on services and assistance given the lack of capacity in the north. Over the lifetime of the VCI, the capacity of CWCs to work with Crown and victims has been enhanced both in number (the VCI funds three positions and the Federal Prosecution Service within the Department of Justice funds 8 positions) and in training and development opportunities offered as a result of the Initiative which benefit all 11

CWCs. As a result, the CWC's in the territories can now reach more victims and provide service in their own language (several of the CWCs speak Inuktituk).

Objective #2 of the Initiative is *"to enhance the Department of Justice's capacity to develop policy, legislation and other initiatives considering victims perspectives"*. All participants felt that this objective had been achieved through partnership and information dissemination by the PCVI. There was a sense that the PCVI as a centre of expertise has had a significant impact on the Department of Justice for several reasons:

- Legislation was vetted and commented upon from a victim's perspective because of the expert capacity available to do this work. The contribution of the PCVI and FPTWG to the Principles of Restorative Justice was identified as an example.
- PCVI acted as a clearinghouse for victims' issues and kept a pulse on what was going on to keep victims on the radar screen.
- PCVI facilitated consensus building around victims' issues.
- Focus group participants agreed that there is more legitimacy to an issue when it comes from a credible, knowledgeable source such as PCVI where officers, analysts and counsel are dedicated full-time to victims' issues.

Justice participants noted that more support is needed from within the department, especially at senior levels. The PCVI is now looking at how its knowledge and expertise can be applied in other departmental priority areas – such as terrorism, child victims, and international law (victims of human trafficking).

Objective #3 of the Initiative is *"to increase the awareness of criminal justice personnel, allied professionals, and the public about the needs of victims of crime, legislative provisions designed to protect them, and services available to support them"*. Most participants felt that this objective was partially achieved and that the magnitude of the task made it unlikely that this would be achieved in the next year. Generally, awareness building was seen as a long-term, on-going outcome. A distinction was drawn between awareness building and attitudinal adjustment. Considerably more work was needed to achieve the latter especially in bringing prosecutors and victims' services workers together. Currently, there is no baseline opinion research available to assess whether awareness has increased. However, some of the provincial Directors of Victims Services remarked that one measure of increased awareness is the fact that they are asked more than in the past (prior to the VCI) to participate in forums and provide input in some jurisdictions: "Five years ago we had to fight hard to be included.» Another measure of increased

awareness is the increased number of media reports and phone calls to victims services. Participants noted that the general public is not aware of victims issues/legislation; until an individual becomes a victim themselves, they have no need to be aware of the protections that they can access. Participants suggested that perhaps the objective should be to increase the awareness among victims of crime instead of the general public as it is currently stated in objective #3.

While focus group participants were not overly concerned about a lack of awareness on the part of the general public, they were concerned that attitudes are not changing among prosecutors and judges. More needs to be done to bring victim services and prosecutors together in order to educate and build awareness. Participants agreed that changing attitudes of criminal justice personnel is not going to happen overnight. Furthermore, they noted that there is a difference between changing behaviors rather than attitudes. The VCI has helped to increase knowledge and awareness, but not necessarily attitudes that are more systemic and entrenched. Recognizing this, the VCI helps keep pressure on governments to keep victims issues at a high level – and participants agreed there is a need for a formal initiative to keep the issue at the forefront of the policy agenda. The FPTWG also helps to increase awareness for participants and breaks down stovepipes. Information can then be brought back to each individual jurisdiction and disseminated to the different players across the country (police, governments and prosecutors). Other tools such as research, the national victims' conference, project funds and various consultations have allowed the PCVI to engage a wider group of stakeholders – having a dual effect of increasing their knowledge and through their participation, stakeholders have been able to raise awareness (for example sharing best practices on Victim Impact Statements).

Objective #4 of the Initiative is *"to develop and disseminate information about effective approaches within Canada and internationally that respond to victims' needs"*. There was a split of opinions voiced whether the objective had been partially or fully achieved. Essentially, participants felt that the wording of the objective is too narrow – a lot of information out of the PCVI has been disseminated that does not relate to "effective approaches", but that is more related to identifying gaps in the system or conducting research on victims issues. Both are equally valuable, although more needs to be developed and disseminated relating to "effective approaches". Participants were less aware of what had been distributed on best practices, including international best practices.

The goal of the Initiative is *"to increase the confidence of victims of crime in the criminal justice system"*. There was a consensus that the goal was only partially achieved since there were many

variables affecting "confidence" beyond the control of the Initiative. The point was raised repeatedly that baseline opinion research would have been useful in assessing whether an increase in confidence had occurred. Participants recommended that the goal be recast to focus on impacts more appropriately attributable to the Initiative's interventions as "increasing confidence is not a goal achievable by VCI – the VCI is one part of the system involving so many factors and $5 million dollars a year is not going to have that kind of impact". PCVI staff suggested that what is needed is to identify strategies and undertake activities to ameliorate victim frustrations in the system rather than focusing on increasing victim confidence.

4.2. Achievement of Outcomes

In addition to the achievement of objectives and goals, success focuses on the degree to which program or policy instruments are meeting stated outcomes (i.e. impacts), and without unwarranted, undesirable impacts. This section of the report examines the following questions relating to the success of the VCI in achieving outcomes:

- To what extent were outcomes achieved?
- Are there any unintended outcomes of the program? Are these outcomes positive or negative?

Outcomes were defined in the Evaluation Framework for each of the key activity areas of the VCI. Success in achievement of outcomes was measured at both the project level (through case study interviews of Victims Fund stakeholders) as well as at the Initiative level (through focus group discussion and survey of focus group participants and document review). The findings are triangulated across all lines of evidence and are presented below under each intermediate outcome. Similar outcomes have been grouped together for reporting purposes and ease of reading.

i) Increased access to victim services and information for victims of crime / Increased access for victims to services

Focus group participants were not able to make a direct link from the Initiative to actual service delivery, which is a provincial responsibility. In addition, data on the level of service (i.e. number of victims) was not collected across jurisdictions at an aggregate level pre-Initiative

making it impossible to numerically report whether an increase had in fact occurred. This information was also not available at the time of the evaluation.

However, other sources have provided some evidence that some victims who otherwise might not have been able to access services were able to access services as a result of funding provided by the VCI.

Support to Crown Witness Coordinators (previously known as Victim Witness Assistants) in the three Northern regional offices has increased access to services and information for victims of crime in the three territories. There are eleven Crown Witness Coordinators. and three of them, one per territory, are resourced by the VCI. This enhancement of court-based victim service providers (where the Department of Justice does have responsibility for victim services) has had an impact, although actual numbers are not available, in the northern communities. The VCI also provides training and support for all eleven VWAs. This has increased their capacity to meet the needs of victims/witnesses and has provided them with the resources they need to carry out their job effectively and respond to their 'self-care' and 'vicarious trauma' concerns.

In addition, large amounts of project contribution funding, through the Victims Fund, has gone directly to non-governmental organizations, provinces, or territories to staff Victim Support Workers (VSWs) who deliver services directly to victims of crime[20]. Case studies of individual projects provided evidence that victims have improved their level of access to services because services were brought directly to rural communities where services were not previously available.

In addition, through the Victims Fund, special groups/categories of victims have experienced increased access to services, such as seniors, Aboriginals/First Nations, and victims in rural/isolated communities. Actual caseload numbers were not available but could range from 25 to 150 open cases (with one or multiple victims) during a year.

Some stakeholders in First Nations communities reported that First Nations generally have a harder time accessing programs outside of the community because they mistrust services provided off the reserve. In several Victims Fund projects studied, stakeholders reported that access to victim services has increased with an Aboriginal Support Worker (ASW) located on the reserve who speaks the language of those accessing the services.

[20] Most provinces and territories have permanent victim services workers and receive project funding from the Victims Fund for additional staff.

In summary, for all of the projects studied (with one exception as it had not reached implementation), increased access to services was evident.

ii) Integration of DOJ Activities

Focus group participants from within the Department of Justice felt that this outcome was partially achieved. The PCVI works with programs and initiatives from across the Department with victims' issues as the common thread although in some areas (e.g. restorative justice) victims' perspectives are not yet given equal weight in the policy process.

iii) More integrated approach to victims' policy/service delivery

Evaluation participants agreed that this outcome has been achieved. Prior to the Initiative, individual jurisdictions and governments worked in relative isolation, developing their own policies and programs, without the benefit of a national network.

Participants pointed to the Federal/Provincial/Territorial Working Group on Victims of Crime (FPTWG) as a key source of evidence in how the PCVI has met this evaluation outcome. The PCVI finances, organizes and acts as a secretariat for the FPTWG. The FPTWG has created a forum for sharing information and facilitates integration of victim- related policy and services between provinces, territories, and federal departments involved in the criminal justice system. Evaluation participants agreed that there is a need for ongoing partnerships to recognize, explore and discuss similarities and differences of jurisdictions, an important activity supported through the FPTWG.

This outcome would not have been achieved without the PCVI – provincial and territorial evaluation participants in particular were of a consensus that a central point of contact in the Department of Justice, such as the PCVI, with an ongoing presence at inter-departmental fora has furthered the integration of victims' policy into the work of criminal justice policymakers and stakeholders. It was suggested that champions at the highest senior levels of the public service would assist in raising the profile of victims' issues.

Victims Fund case studies also provided support of achievement of an integrated approach to service delivery. Several projects funded through the Victims Fund involved funding for

provincial Victim Support Workers (VSW). Police[21] interviewed as part of the case studies reported that in certain circumstances, victims respond better to communicating with a VSW than with the police. This has assisted in providing a more integrated approach to service delivery since the police can work with the VSW to get the information they need. Other conclusions drawn from the case studies that provide evidence of more integration regarding victim service delivery include:

- The VSW projects have allowed the key players such as Crown and police in the justice system to liaise more frequently with victims.
- There was evidence of the development of many good partnerships (with police, Crown, Province, Justice community) and capacity building opportunities across programs because of individual projects.
- Many project stakeholders spoke about common protocols/policies that have been developed.

In summary, case studies provided evidence of integration of service delivery among Crown, RCMP, police, victims, and community organizations, while the focus groups provided evidence of integration of policies across jurisdictions.

iv) More effective responses to the needs of victims (long-term outcome)

Case studies provided strong evidence that this outcome has been overwhelmingly achieved. In particular, Crown who were interviewed during the case studies were confident that Victims Fund project funding had enabled those victims who benefited from the involvement of a VSW on their file to receive an effective response to their needs in supporting their emotional needs and helping to reduce their anxiety. Crown report that victims get better service because the Crown and police don't always have the time to follow-up or explain things to victims. Crown across a number of projects reported that the presence and involvement of VSWs in their cases has enabled victims of crime to better understand the process and how the different players operate, to be more effective witnesses, and to be less intimidated and less fearful of the criminal justice process.

Evidence of effective responses was also demonstrated in case studies of several other Victims Fund pilot projects, in particular, those operating on First Nations reserves. Interviewees reported that prior to the development of these pilot projects, victims often did not find out the outcome of

[21] In most cases, police interviewees were RCMP officers.

a case; now they have someone who can explain it to them in their own language and act as a translator or voice for the victim to communicate with the Crown. They noted that victims are also better prepared for both favorable and unfavorable outcomes. Interviewees also noted that victims from remote, rural, and First Nations communities now have someone to accompany them to court, provide support, and explain procedures in their own language. It was also reported that many of these projects have increased the likelihood that victims will get in-person service rather than telephone or letter contact.

Similar findings were also reported in the northern communities as a result of the support the VCI provides to the federal Crown Witness Coordinators. Victims who otherwise might not have received information on services and assistance given the lack of capacity in the north, now have an increased opportunity for getting more effective court-based victim services that are offered in their own language as several CWCs speak Inuktitut.

The Victims Fund includes a financial assistance component which provides emergency financial support for victims and their families. While this was not examined in the summative evaluation, the mid-term evaluation of the VCI found that the emergency financial assistance component has been very effective in being able to respond quickly to urgent needs. Comments from those who had accessed the funding included: *"the Fund was very helpful…the peace of mind was so immense"* and *"the Victims of Crime Fund is excellent… and should be available for those who really need it."*

v) Improved perception of criminal justice system

Focus group participants commented that there are pockets of the country where there has been an improved perception of the criminal justice system. This has occurred particularly in those regions that benefited from pilot project funding. This finding was supported by the case studies. However, this outcome is difficult to measure at a national level.

Focus group participants also agreed that there is substantially more that needs to be accomplished before this outcome can be achieved. Four to five years is not enough time and resources are insufficient for improving perceptions. Participants also advanced the notion that "you need to invest in infrastructure in provinces and at the local level before you go ahead and raise awareness – you need that before you build up expectations so that you don't play catch-up or disappoint. You could have a really good service, but no money to promote it.» On a related

note, it was generally stated that any decrease in support at the federal level would diminish confidence levels in the criminal justice system.

vi) Increased perceptions that victims are well informed about criminal justice process

Stakeholders interviewed during the case studies generally perceive that project funding has enabled those victims who were provided services from a VSW or ASW to be more informed about the criminal justice process (as compared with a victim who did not receive this type of service). It should be noted that this outcome is difficult to measure given the absence of a control group (i.e. people who were victims but did not go through victim services/project funding). In addition, it is not possible to compare the services of a VSW funded through the Victims Fund with one who is solely provincially-funded.

Moreover, many studies have shown that the public in general is not well informed about the criminal justice process. For the most part, it is not until after someone is victimized that they would learn about the criminal justice process. Consequently, the perception remains that victims are not well informed about the criminal justice process. However, the VCI enables funding to be directed toward educating individuals after they have been victimized.

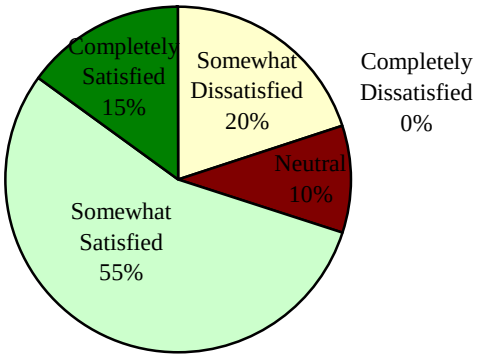
vii) More consistent service delivery

Victim service delivery models are varied across the country and the FPTWG has made substantial strides in improving the consistency of services in their own region / jurisdiction. One advantage of our federal system is that criminal legislation applies across the country in all provinces and territories thereby providing statutory protections for victims (although limited). The implementation of the provisions, however, permits some degree of flexibility – for example victim impact statements are considered at sentencing but the form and procedure for submitting a VIS and the assistance available to prepare the VIS varies from province to province. Other provisions designed to facilitate testimony can be adapted to meet local practice and resources. However, the case can be made to try to ensure that standards do not differ radically within Canada. On this note, the FPTWG will be exploring whether national level service standards should be developed to fully implement and reflect the Canadian Statement of Basic Principles of Justice for Victims of Crime.

viii) Increased awareness and knowledge of victim rights / Increased awareness of victim services

The PCVI has participated in and/or supported a number of conferences to share information to support the generation of new knowledge and the sharing of new ideas. One of the most significant contributions toward increasing awareness that was made by the VCI was the National Victims Conference held in November 2003 entitled, "Moving Forward: Lessons Learned from Victims of Crime". This conference, the first of its kind ever held in Canada brought together victims of crime, victim service providers, advocates and government representatives.

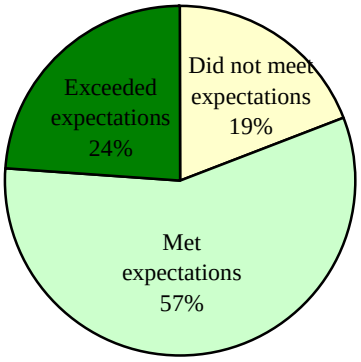
Chart 2: Overall, how satisfied were you with the overall conference?



Over 75 individuals/groups provided presentations and workshops on topics including Victims of Domestic Violence, Restorative Justice and Victims, Victims of Sexual Assault, Children as Victims and Witnesses, Training and Education, Service Delivery and Victims and the Criminal Justice System. More than 300 delegates from across Canada attended this three-day event.

Although only a small number of conference evaluation forms were submitted (n=21), 70% of those that completed an evaluation form said that they were either completely or somewhat satisfied with the overall conference (see Chart 2 above). In addition, 81% of those that completed evaluation forms reported that the conference met or exceeded their expectations in terms of knowledge acquired (see Chart 3 to the right). One participant summed their experience up:

Chart 3: To what extent did the Conference meet your expectations in terms of knowledge acquired?



"The content was interesting but the opportunity to meet people and talk with them was the most valuable. I was energized and my thinking was challenged."

Another source of evidence for increases awareness and knowledge of victims rights can be found through the case studies of Victims Fund projects. Many police and Crown interviewed for the case studies reported that victims are better educated about their rights through funding of VSW projects because the police, as first responders, don't have the time to explain all of the details to victims, especially in explaining a victim's right to complete a victim impact statement. This gap in service has been filled by the project-funded VSWs[22]. In addition, VSWs reported that presentations in the community and dialogue with community residents has raised awareness about victim issues and victim rights. Informal recognition and thanks offered to Victim Services demonstrates the appreciation of victims for being made aware of their rights.

However, in three of the projects studied (two of them being ASW projects), there were problems in raising awareness about the project. This could be attributed to the inability of these projects to delineate communications and outreach activities from service delivery. The most successful projects in raising awareness appear to be those that are an "add-on" to provincial services (as opposed to start-up projects where no victim services currently exist). In other words, those that are attempting to start-up in aboriginal communities face greater challenges and lack sufficient resources because they rely on word-of mouth and lack infrastructure or funding to develop communication and awareness raising campaigns about the projects. Therefore, decisions with respect to these projects will have to be made about where the best use of the resources lies (in immediate service delivery or in ramping up for a larger communications/outreach effort).

ix) Improved practices to implement Criminal Code provisions

Provincial and territorial focus group participants reported that funding was insufficient to offset the significant increased costs incurred by Victim Service divisions to implement the Code reforms (e.g. notification to victims re victim impact statements). In addition, case studies and file review support the view that a majority of funding that was accessed was not to improve practices but rather to simply sustain already under funded services. It should be recognized that

[22] Most provinces and territories have permanent paid and volunteer victim services workers (VSWs). Provinces, territories and non-governmental organizations can access funding for additional victim services workers (VSWs) from the Victims Fund.

every jurisdiction would have had to implement *Criminal Code* provisions with or without the VCI.

x) Innovative approaches to help victims of crime

Focus group participants queried the definition of "innovative" and felt that it was difficult to be innovative i.e. 'new' given the huge resource challenge of simply providing infrastructure and core ('standard') service delivery. In addition to the inability of provinces to commit to sustaining innovative projects given the cost for the basic services, the participants also noted that the ongoing needs of victims of crime – information, counselling, support - don't necessarily lend themselves well to innovativeness. There was a theme through the discussion that core infrastructure needed to be developed before moving to the innovative aspect of projects. Another key issue for provincial/territorial focus group participants with respect to this outcome was sustainability of projects. Many felt that project funding could not be sustained at the provincial/territorial level once federal funding (focused on innovativeness) comes to an end.

Notwithstanding this, identification of innovative approaches to help victims of crime have resulted from Victims Fund project funding. Stakeholders interviewed during the case studies commented frequently that what is not considered innovative to one person could be innovative to someone else. For example, some project funding enabled VSWs to travel to remote communities or in the case of ASWs to live in remote communities. Stakeholders considered these examples as innovative approaches to service delivery since it is not just waiting for clients to come to the project for services, but actually going to the clients to provide the service. It is also an innovative solution to providing services because trying to find a VSW to live in the community full-time and to work in a highly trauma-ridden community all the time is difficult and often not realistic.

xi) Enhanced capacity among service providers

The cooperative working relationships that have been established as a result of the FPTWG on Victims of Crime provide evidence of enhanced capacity among service providers. The FPTWG is made up of Directors of Victim Services. Through regular meetings and correspondence outside of formal meetings, the FPTWG draws upon the knowledge and experiences of their colleagues from other jurisdictions. This is a forum for information sharing, identification of priority issues at the national level, as well as sharing best practices on issues and concerns in the

area of victim service delivery and the implementation of victim-related *Criminal Code* provisions.

Police interviewed during the case studies report that project funding of VSWs has enhanced their capacity as police officers since they are unable to dedicate much time to individual victims. The VSW helps to make the service better and improves the success/likelihood of concluding an occurrence for the RCMP. Further, police and Crown interviewed report that their capacity has been enhanced because they are better able to contact victims/witnesses because of project funded VSWs.

Individuals who work directly with VSWs (i.e. other VSWs funded through their respective provinces) and project managers all reported that funding for additional VSWs has allowed them to redistribute very high caseloads (although caseloads are increasing and the additional resources are not sufficient to keep pace in many provinces) and reduce overtime levels of other VSWs (non-project related/provincially funded VSWs) to more manageable levels. Project funding has also enabled VSWs (project and non-project staff) to conduct outreach and participate in community programs that have a direct relationship to victim services. For example, one VSW reported participating on a homophobia task force in PEI. These are programs that they otherwise would not have been able to liaise with had they not received additional resources.

On the other hand, several project managers interviewed during the Victims Fund case studies reported that their project has not necessarily enhanced the capacity of victims services in their own jurisdiction but (more importantly) has allowed them to sustain services with a focus on providing a certain quality of service. It has taken victim service delivery out of a crisis situation and brought it back to a more manageable situation and has increased the responsiveness of victim services to respond to victims in a timely manner.

xii) Enhanced policy capacity and ability to influence legislation

Focus group participants and PCVI staff agreed that the VCI has led to an enhanced policy capacity and ability to influence legislation. The involvement of the PCVI has led to the following accomplishments in this area:

- The PCVI has assisted in international law reform through participation in the development of the United Nations Basic *Principles on Restorative Justice* and the *Restorative Justice*

Resolution presented at the UN Crime Congress in the Spring of 2002. This resolution, adopted in 2000, is intended to establish standards to be followed in the development of Restorative Justice programs and PCVI input ensured that victims' interests were included.

- The PCVI also provided comments on the following draft international documents to ensure that the victim's perspective was included: the UN Convention Against Corruption, the UN Convention on the Elimination of Discrimination Against Women (CEDAW), the Commission on the Status of Women draft conclusions on the World Health Report/Violence Against Women, and a UN document on restitution, compensation and rehabilitation.

- Case law reviews have been undertaken on victim impact statements, publication bans, exclusion of the public from the courtroom, the use of screens, restitution and restriction of cross-examination by self-represented accused. These are regularly updated and shared with colleagues.

- The PCVI has worked closely with colleagues in the area of victim related law reform, assisting with sections of the *Youth Criminal Justice Act* that affect victims and coordinating input with the Family, Children and Youth section on the Children as Victims Law Reform Project. The PCVI played a key role in Bill C-12 (formerly Bill C-20) – An Act to Amend the *Criminal Code* (protection of children and other vulnerable persons) with respect to reforms to facilitate the participation of child victims and witnesses.

The PCVI has also engaged in more than a dozen consultations with a broad range of stakeholders to ensure the perspective of crime victims is considered in law reform, policy development, program initiatives, identification of necessary research, the effectiveness of law reform and other initiatives.

xiii) Identify trends in victim needs

Focus group participants reported that this outcome has been achieved at the provincial/territorial and federal levels (on an individual basis), but that a more coordinated and proactive approach to sharing information and identifying trends is required.

Challenges that have limited the ability of the VCI to achieve this outcome include:

- lack of political champions;
- limited ability to be informed about trends from academic sources;
- difficulties and sensitivities involved in obtaining information from victims; and,
- lack of information in specific areas – e.g. ethnic specific – as a result of a lack of interface between policy makers and those groups.

xiv) Knowledge-based decision-making

There was little discussion about this outcome at the focus group. Focus group participants did report that there are differing levels of access to adequate technology to share information in more coordinated ways which is impeding the achievement of the outcome of knowledge-based decision-making.

xv) Consolidate available research funding

Research funding for victims issues has been consolidated within the Department of Justice as there is now one unit (the PCVI) responsible for research in this area. Prior to the Initiative, there was no clear research agenda on the subject of victims issues as it was done on a more ad hoc basis within other subject matter initiatives and programs.

Focus group participants, in particular those representing the Department of Justice commented on the need to improve the internal structure of the PCVI in order to make better linkages between research and policy, which ultimately lead to legislative amendment. This finding was also supported in interviews with PCVI staff. A more systematic process for ensuring all policies are vetted through PCVI is also needed.

xvi) Ability to monitor impacts of Criminal Code provisions

The VCI has been successful in monitoring the impacts of *Criminal Code* provisions intended to benefit victims. While many provincial/territorial focus group participants expressed a need for stronger benchmarking and evaluation of the success of legislative provisions in the *Criminal Code*, it was also recognized that this would be quite a resource-intensive exercise and would require the commitment from all jurisdictions to support a large data collection endeavor.

Through the FPTWG the VCI has been able to effectively monitor that impacts of the Criminal Code provisions intended to benefit victims. The ongoing cooperation of jurisdictions to bring these issues to the FPT forum to discuss the various impacts of the provisions within their own jurisdictional contexts has been an invaluable and timely source of information for the PCVI on how the provisions – old and recent – are operating and what the emerging issues are. Indeed, once raised, possible solutions are the next point of discussion.

The VCI has also advanced research to understand the impacts of the Criminal Code provisions. The *Multi-Site Survey of Victims of Crime and Criminal Justice Professionals Across Canada* (hereinafter Multi-site Study), a comprehensive study undertaken by the VCI between 2001 and 2003, revealed that while all respondent groups who participated in the study (Crown Attorneys, defence counsel, judges, victims, police, victim service providers, victim advocacy groups, correctional personnel) included some comments on the limitations of the impact of the *Criminal Code* provisions, most comments on the provisions revealed positive accomplishments. The two biggest accomplishments are the creation of a more balanced criminal justice system through increased awareness of the concerns and interests of victims and the provision of more formal mechanisms to ensure that the victims have opportunities to participate and have a voice in the system.

A summary of some of the findings that have stemmed from the monitoring of the changes to the *Criminal Code* provisions is presented under a separate heading below.

4.3. Impact of Legislation

Given that the mandate of the VCI is closely tied to a legislative component, the evaluation looked at some of the key impacts of the legislation. However, while there is a degree of symbiosis or interdependence between the VCI and victims legislation, it should be noted that the success of one or both is not necessarily dependent on the other. There is an important distinction to be made between an Initiative that is borne out of legislation and uses a number of policy instruments (grant and contribution funding, legislative amendment, policy) to achieve its mandate and one whose only instrument is grant and contribution funding (i.e. a traditional G&C Program). Therefore, the only legislation that are generally ever evaluated are those that are tied to Initiatives.

Findings are presented under the following headings: victim impact statements, victim surcharge provisions, restitution, publication bans.

4.3.1. Victim Impact Statements

The Department of Justice Canada funded pilot projects to test the implementation of the use of victim impact statements in the mid-eighties in select jurisdictions. In 1988, victim impact statements (VIS) were introduced into the *Criminal Code* and could be considered during sentencing. In 1995, amendments were made to the *Code* whereby a victim impact statement that has been submitted "shall be considered" by the court (currently, s.722). Bill C-79 was proclaimed into force on December 1, 1999 and included a number of amendments to the VIS provisions to:

- Provide that the court **shall,** on the request of a victim, permit the victim to read their victim impact statement or present it in any other manner that the court considers appropriate;
- Clarify the definition of "victim" for the purpose of preparing a victim impact statement;
- Clarify that the Clerk of the Court is required to provide a copy of the victim impact statement to the Crown and accused as soon as practicable after a finding of guilt;
- Require that after a finding of guilt and before sentencing, the court shall inquire whether the victim(s) have been advised of the opportunity to prepare a statement;
- Permit the court to adjourn sentencing proceedings to permit the victim to prepare a victim impact statement;
- Provide for victim impact statements to be considered at disposition hearing for persons found not criminally responsible on account of mental disorder; and
- Clarify that information by the victim at s.745.6 hearings (early review of parole eligibility) may be provided orally or in writing.

The following questions with respect to victim impact statements were considered as part of the evaluation:

- Has there been an increase in the number of victims filing victim impact statements?
- How many victim impact statements are completed and submitted in court?
- What has been the impact on victims of completing victim impact statements? On the courts?

A survey of judges in Ontario funded by the VCI (Roberts and Edgar, 2002) produced some findings. In this study, a survey, developed in collaboration with PCVI, was submitted electronically to all judges; a total of 63 responded representing a one-third response rate. Some of the main findings, which are excerpted from the study (2002, pp.3-4), provide partial answers to the questions posed above:

- The caseload in Ontario's court system creates a large number of sentencing hearings. Respondents were asked how many sentencing hearings they conducted each month, and the average was 71. Fully 15% of the sample reported sentencing over 100 offenders each month (2002, p.3).

- *Victim impact statements are submitted in only a small percentage of cases* – One of the problems identified by the review of the research literature is confirmed in this survey of judges: Victim impact statements are seldom submitted. Fully 70% of the sample reported that a victim impact statement had been submitted in less than 10% of cases. Only 5 judges reported having had a victim impact statement submitted in more than one quarter of the cases in which they had imposed sentence (2002, p.3).

Table 8 below taken from the Multi-Site Study also provides some insight into how many victim impact statements are submitted at sentencing.

TABLE 8: Do victims usually submit victim impact statements at sentencing?

Base: Respondents who provided a response (don't know and no response excluded)

	Victim Services (n=195)	Crown Attorneys (n=183)	Defence Counsel (n=174)	Judiciary (n=101)	Police (n=547)	Advocacy Groups (n=38)	Probation (n=88)
Yes, in most cases	48%	32%	38%	33%	34%	42%	34%
Yes, only in serious cases	32%	50%	45%	52%	46%	37%	41%
No	20%	18%	17%	16%	20%	21%	25%
Note: Some column totals do not sum to 100% due to rounding.							

Multi-site study, p.49

- *Judges report having difficulty in determining whether the victim has been apprised of his or her right to submit an impact statement* – It is sometimes challenging for a judge to know whether a victim impact statement has been submitted. Respondents were asked about this particular issue. One third stated that it was "difficult in most cases"; 18% stated that it was "easy in some cases"; 35% responded that it was easy in most cases while only 14% responded that it was easy in all cases (2002, p3).

- *Judges often have to proceed to sentencing without knowing whether the victim has been apprised of the right to submit a VIS* - Judges often have to proceed to sentence the offender without knowing the status of the victim impact statement. Only 6% responded that they never proceeded, 29% almost never proceeded without first establishing whether the victim had been apprised. One quarter sometimes proceeded without this information and fully 40% responded that they "often proceeded" (2002, p.3).

- *Only rarely do victims elect to make an oral presentation of the impact statement* - How often do victims elect to make an oral presentation of their victim impact statement? It seems to be a quite rare occurrence, in Ontario courts at least. Thirteen percent of respondents stated that it had "never happened" in their court. Almost two-thirds responded that it happened "very occasionally" while the remainder (22%) stated that it "sometimes" took place (2002, p.3).

Table 9 below, taken from the Multi-site Study provides some information on the method of submitting a victim impact statement.

TABLE 9: What is the most common method of submitting a victim impact statement at sentencing?

Base: Respondents who provided a response (don't know and no response excluded)

	Victim Services (n=194)	Crown Attorneys (n=184)	Defence Counsel (n=180)	Judiciary (n=108)
Written statement only	82%	90%	79%	87%
Victim reads statement	18%	5%	2%	7%
Crown Attorney reads statement	16%	21%	18%	16%
Other	2%	3%	4%	--
Note: Respondents could provide more than one response; totals sum to more than 100%.				

Multi-side study, p.51

- *Most judges report no change in the number of victims wishing to make an oral presentation of their victim impact statements* – Judges were asked whether they had perceived any increase since 1999 in the number of victims who want to deliver their statements orally. Over two-thirds of the respondents felt that there had been no change in the number of victims making this request. Twenty-four percent of respondents reported noticing a "slight increase", while 8% had noted a "moderate increase" (2002, p4).

- *Victims seldom cross-examined on contents of their victim impact statement* – Some victims have been cross-examined on the contents of their victim impact statements. This can be stressful for the victim, as several victims have affirmed. It is unclear how often this practice occurs. Responses to the survey suggest that it is a relatively rare occurrence: 84% stated that it never or almost never took place; 16% responded that it occasionally happened. No judge responded that it "sometimes" or "often" took place (2002, p.3).

- *Most judges perceive victim impact statements to contain information that is relevant to sentencing* – Judges were simply asked "Are victim impact statements useful in terms of providing information relevant to the principles of sentencing?". Only 12% responded that they were useful in just a few cases. Forty percent responded that VIS were useful in some cases, 27% in most cases and 21% responded that they were useful in all cases. This pattern of results suggests that contrary to some commentators, judges do in fact find the victim impact statements useful (2002, p.3) in sentencing.

- *Perceptions of judges consistent with those of Crown counsel* – It is worth noting that a similar trend emerged from the survey of Crown counsel in Ontario. In that survey, approximately one-third of respondents indicated that in most cases, or almost every case, the VIS contained new or different information relevant to sentencing (see Cole, 2003). Similarly, when asked whether victim impact statements were useful to the court, approximately two-thirds of the Crown counsel responded "yes, in most cases". No respondents in that survey indicated that victim impact statements were never or almost never useful to the court at sentencing (2002, p.4).

  It may be argued that the information contained in the victim impact statement is useful, but redundant, in the sense that it has already emerged from the Crown. To address this question the following question was asked: "*How often do victim impact statements contain information relevant to sentencing that did not emerge during the trial or in the Crown's sentencing submissions?*". Only 12% of the judges responded that victim impact statements never or almost never contained unique, relevant information. Half (51%) stated that victim impact statements sometimes contained unique relevant information, 27% chose often and 10% reported that the victim impact statements always contained unique relevant information.

- *Judges often refer to the victim impact statement or its contents* – Consistent with the trend for judges to be sensitive to the issue, the study found that over two-thirds of the judges

reported that they almost always or often referred to the victim impact statement. Only 3% of respondents stated that they never or almost never referred to the victim impact statements. Twenty-eight percent responded that they sometimes made reference to the victim impact statements (2002, p.4).

- *If the victim is present at the sentencing hearing, judges often address him or her directly* – Most sentencing hearings take place in the absence of the victim. However, when they are present, it is clearly of assistance to be addressed by the court. The last question on the survey was the following: "*Do you ever address the victim directly in delivering oral reasons for sentence?*". Results indicated that judges are certainly alive to this issue: almost two-thirds (63%) of respondents stated that they sometimes or often addressed the victim directly. In fact the most frequent response was that they often addressed the victim in this way. Nineteen percent never or almost never addressed the victim, and 18% stated that they did so "only occasionally" (2002, p.4).

The exact question, "What has been the impact on victims of completing victim impact statements?" was not asked in the Multi-Site Study. Victims were however, asked about their rationale for giving a victim impact statement (p.102). Over half of the 65 respondents who prepared a statement did so because they wanted the court to understand the effect of the crime (54%); many also wanted the offender to know the crime's full effect (39%). Only 28% of victims who prepared a victim impact statement thought that the statement would affect the offender's sentence. The Table below taken from the Multi-site Study presents victims' reasons for preparing a statement.

TABLE 10: Reasons victim prepared a victim impact statement

Base: Victims who prepared a victim impact statement

	Victims (n=65)	
	n	**%**
Wanted court to understand effect of crime	35	54%
Wanted offender to understand effect of crime	25	39%
Thought statement would affect sentence	18	28%
Felt statement would help victim heal from crime	12	18%
Was asked to or encouraged to give statement	11	17%
Wanted to have a voice	5	8%
Other	5	8%
Don't know	2	3%

Multi-site study, Table 86, p. 102

Victims who prepared a victim impact statement (n=65) were asked whether they were pleased that they prepared the statement. Over four-fifths (n=53) said that they were. As shown in the Table below from the multi-site study), they provided several reasons: victim impact statements give victims a voice and are therapeutic; they give victims an opportunity to make the judge aware of the effect of the crime; and they give victims an opportunity to make the accused aware of the affect of the crime.

Table 11: Reasons why victims were pleased that they prepared a victim impact statement

	Victims (n=65)	
	n	**%**
Gave them a voice or therapeutic	27	46%
Made judge aware of affect of crime	13	22%
Made offender aware of affect of crime	10	17%
Generally pleased	8	14%
Other	5	9%
Don't know or No response	3	6%
Note: Victims could provide more than one response; total sums to more than 100%.		

Multi-site study, Table 87, p.103

A series of focus groups with victims (funded by the VCI) were held across Canada to explore their experiences with victim impact statements (Summary Report, ARC, 2001). Excerpts from the summary report indicated that participants from the Vancouver, Regina and the Atlantic groups would go through the process again, knowing what they now know (p.10). These participants were generally positive in their assessment of victim impact statement, despite frequent doubt that these statements had had any significant effect on the sentences imposed. Many ascribed a therapeutic value to the experience of completing a victim impact statement. Other benefits mentioned included:

- it allowed them to vent their anger;
- it allowed the victim to confront the accused in a safe environment;
- it enabled them to include in their statements information which they were prevented from providing in their testimony;
- it allowed them to bring to the court's attention the total impact of the offence regardless of the specific charges; and,
- some offenders, as a result of hearing the victim impact statement, may come to think more seriously about the harm they had done.

In contrast, participants in the Toronto group reported that they would not prepare a statement in the future, knowing what they do now about both the process and its effectiveness. For them, the only test of effectiveness of the statements is their impact on sentencing. They also greatly resented the rough treatment they perceived themselves as having experienced at the hands of defence counsel in response to the contents of their statements.

One source of particular frustration was the perception that "plea-bargained" sentences are agreed to without any reference to the impact of the crime on the victims as expressed in their statements. Some participants found it particularly frustrating that the sentences in their cases had been negotiated between the Crown and defence even before their statements had been prepared. In these instances, not only were the victims dissatisfied with the sentence given, but they felt that the process had abused their time and fragile emotional state, knowing that their statements would be given no weight in sentencing.

4.3.2. Victim Surcharge Provisions

The Multi-site Study (p.64) describes the victim surcharge as a penalty of 15% where a fine is imposed on a fixed amount of $50 or $100 for summary or indictable offences, respectively, and can be increased by the judge. It is imposed on the offender at sentencing and used by provincial and territorial governments to fund services for victims of crime. The 1999 amendments to the *Criminal Code* made the surcharge automatic in all cases except where the offender has requested a waiver and demonstrated that paying the surcharge would cause undue hardship.

The following discussion considers the issue of waiving the surcharge — both the frequency of waiver and whether waivers generally occur without an application by the defence.

Frequency of waiver

While over half (58%) of judges surveyed reported that they generally apply the victim surcharge, over a third do not (37%).[23] When those who do not generally apply the surcharge were asked to explain, they reported that they do not apply the surcharge largely because the offender does not have the ability to pay (62%), although a few judges viewed the surcharge as inappropriate (6%) or questioned whether the funds are used to assist victims (5%). A third

[23] The remaining 5% did not respond to the question.

(31%) of judges reported varying from the minimum surcharge. Of those, a few (3%) reported that they raised the surcharge, however most of the variances were to waive or lower it.

Victim services providers who were surveyed have a wide range of experience, but many could not answer the question on the victim surcharge. Those who did not respond are excluded from the results in order to give a more accurate depiction of whether victim services providers think that the surcharge is waived too often. Crown Attorneys, defence counsel, and advocacy group respondents who did not answer were also excluded from the results for reasons of consistency in handling the data. Of those who provided an answer, approximately two-thirds of victim services providers and Crown Attorneys agreed that the victim surcharge is waived more often than it should be. In contrast, 11% of defence counsel believe that the surcharge is waived too often. Table 12 below, taken from the Multi-site study provides the results for those who could respond to this issue.

Table 12: Is the victim surcharge waived more often than it should be?

Base: Respondents who provided a response (don't know and no response excluded)

	Victim Services (n=82)	Crown Attorneys (n=161)	Defence Counsel (n=170)	Advocacy Groups (n=15)
Yes	66%	70%	11%	47%
No	34%	30%	89%	53%

Multi-site study, Table 44, p.64

Those interviewed (Crown Attorneys, victim services providers, and defence counsel) attributed the frequent waiver of the surcharge to judicial attitudes. According to several Crown Attorneys interviewed, the surcharge is not seen as an integral part of the criminal justice system, and, therefore, judges are quite prepared to waive it.[24] Crown Attorneys and victim services providers believe that virtually any reason appears to constitute a sufficient ground to waive the surcharge, even though the surcharge amount is so small that only in extraordinary circumstances should the offender be considered unable to pay it. Several victim services providers said that judges often accept defence counsel requests to waive the surcharge without requiring evidence of the offender's financial situation. They believe that judges do not understand the importance and usefulness of the surcharge. In addition, they found that the surcharge is rarely imposed in certain kinds of cases, such as sexual assault and domestic violence. Defence counsel who

[24] Crown Attorneys at one large site, where the surcharge is reportedly never applied, said that judges are offended if the Crown even mentions it.

believe that the surcharge is waived too often said that they found a judicial reluctance to place too high a monetary penalty on offenders.[25]

In contrast, those interviewed who believe that judges waive the surcharge appropriately said that waivers occur when its imposition would cause the offender undue hardship, such as when the offender has no independent means of financial support, when the victim and the offender are in the same family unit, or when the offender is going to be incarcerated. They believe that judges appropriately consider the circumstances of the offender in their decision to waive the surcharge, and they do not see judicial attitudes or judicial dislike of the surcharge as an issue.

Application for Waiver

Section 737(5) of the *Criminal Code* requires an application from the offender to waive the surcharge. Most defence counsel surveyed (59%) reported that they do not generally request a waiver, while about one-third (35%) said that they do. In interviews, those who request waivers said that they do so when the offender has no ability to pay (e.g., does not have a job, is on social assistance, is being incarcerated for a long period of time). A majority of defence counsel surveyed (59%) reported that most of the time, judges grant their requests for a waiver.

Six percent of surveyed Crown Attorneys generally challenge defence counsel applications to waive the surcharge. In interviews, Crown Attorneys explained that contesting defence counsel applications is very difficult. There is usually no time to challenge the application because things move very quickly at that stage of the proceedings. More importantly, Crown Attorneys said that they rarely have any information or proof to contest the reasons presented by defence counsel as grounds for the waiver.

In addition, Crown Attorneys who were interviewed noted that there is frequently no application to challenge because the judge has waived the surcharge on his or her own initiative. Survey results support this, with a majority of Crown Attorneys (54%) reporting that judges generally waive the surcharge without a defence counsel request. However, only one-quarter of defence counsel (24%) believe that judges waive the surcharge without a request. In interviews, they commented that judges diligently inquire about whether the surcharge should be imposed and generally impose the surcharge automatically unless there is a legitimate request to waive it. A few did note that when judicial waivers occur without explicit defence counsel requests, the

[25] A few noted that when a fine is imposed, the victim surcharge is more likely to be waived.

judge has already received information about the accused's financial situation and other relevant personal circumstances.

The Table below, taken from the Multi-site study, provides the Crown Attorney and defence counsel survey results on whether judges generally waive the surcharge without a defence counsel request.

TABLE 13: Do judges generally waive the surcharge without a defence counsel request?

	Crown Attorneys (n=188)	Defence Counsel (n=185)
Yes	54%	24%
No	33%	64%
Don't know	4%	8%
No response	10%	4%
Note: One column does not sum to 100% due to rounding.		

Multi-site study, Table 45, p.65

4.3.3. Restitution

Restitution requires the offender to compensate the victim for any monetary loss or any quantifiable damage to, or loss, of property. The court can order restitution as a condition of probation, where probation is the appropriate sentence, or as an additional sentence (a stand-alone restitution order), which allows the victim to file the order in civil court and enforce it civilly if not paid. The Multi-site study looked at this issue (pp.61-62). The following discussion of restitution considers the current use of restitution from the perspective of Crown Attorneys, defence counsel, and judges, difficulties with enforcement, and obstacles to requesting restitution and responds to the evaluation question:

- To what extent is the restitution component being used, and how is it working?

Use of Restitution

The use of restitution among Crown Attorneys and defense counsel is shown in the table below (taken from the Multi-site study).

TABLE 14: Use of restitution

	Crown Attorneys (n=188)	**Defence Counsel (n=185)**
	Do you generally request, when appropriate, that restitution be paid?	*Do you generally agree to requests for restitution?*
Yes	89%	78%
No	9%	20%
No response	2%	2%

Multi-site study, Table 41, p.61

When asked if they think that restitution enforcement is a concern or a problem, two-thirds (62%) of probation officers and half of Crown Attorneys (53%) reported that they do, compared to one-third (34%) of defence counsel. A sizeable proportion of defence counsel (30%) could not comment because they are not involved in enforcement of restitution orders. The survey asked these respondents to explain why they consider restitution enforcement to be a concern or a problem. The results are presented in Table 15 below, taken from the Multi-site study.

TABLE 15: Why is restitution enforcement a concern or a problem?

Base: Respondents who believe that restitution enforcement is a problem.

Reasons	**Crown Attorneys (n=100)**	**Defence Counsel (n=62)**	**Probation (n=128)**
Accused are unable to pay	22%	47%	30%
Insufficient resources for enforcement	20%	16%	--
Civil enforcement difficult or victim responsibility	19%	8%	4%
Difficult to convict on breach of order	13%	--	18%
No penalty for failure to pay	6%	--	9%
Restitution usually not made unless paid at sentencing	--	13%	--
Probation is not involved	--	--	26%
Other	6%	11%	7%
No response	22%	10%	--
Note: Respondents could provide more than one response; totals sum to more than 100%.			

Multi-site study, Table 42, p.61

The Table below (also taken from the Multi-site study) summarizes what victim services and advocacy group respondents felt are the obstacles to the use of restitution.

TABLE 16: What are the obstacles to the use of restitution?

Base: Respondents who believe that there are obstacles to the use of restitution.

Obstacles	Victim Services (n=94)	Advocacy Groups (n=19)
Accused usually poor or unable to pay	34%	32%
Victims lack information about restitution or unaware of option	31%	--
Victim must pay the cost of enforcement	16%	--
No enforcement	14%	21%
Cumbersome application process	10%	--
Judicial or Crown Attorney reluctance to order or request	9%	--
Eligibility criteria too restrictive	7%	11%
Does not compensate victim adequately	--	21%
Other	11%	26%
Note: Respondents could provide more than one response; totals sum to more than 100%.		

Multi-site study, Table 43, p.62

A study on restitution was also completed in Nova Scotia, which included a file review and interviews with key stakeholders (Martell, 2002). The findings from this small study support the findings from the Multi-site Study. The following excerpts from the report (18-19) provide some statistics on restitution orders.

Data obtained from the Policy, Planning and Research Division of the Nova Scotia Department of Justice, and summarized in Table 17, indicate that for the year 2000-01, only 6.3 % of all criminal charges that could be relevant to restitution resulted in a restitution order (either as part of a probation order or as a stand-alone order). Table 13 also indicates that restitution orders have decreased over the six year period that amendments to the *Criminal Code* have been in place (2002, 18).

TABLE 17: Restitution Orders in Nova Scotia; 1996-2001

Year	No Restitution	Restitution	Total
1995-96	10,192 (92.2%)	863 (7.8%)	11,055
1996-97	10,518 (93.5%)	837 (7.5%)	11,355
1997-98	10,398 (92.1%)	896 (7.9%)	11,294
1998-99	10,443 (93.2%)	767 (6.8%)	11,210
1999-00	10,559 (93.7%)	711 (6.3%)	11,270
2000-01	10,293 (93.7%)	697 (6.3%)	10,990

Source: Policy, Planning and Research Division of the Nova Scotia Department of Justice

In order to ascertain what this percentage really means, a number of different approaches were utilized. First, some comparative analysis was carried out. Data were obtained from the Canadian Centre for Justice Statistics (CCJS) to place Nova Scotia's figures within the Canadian context (see Table 19 below). The most recent data available from the CCJS was 1999-00; all provinces are included with the exceptions of New Brunswick and Manitoba for which no data were available.

TABLE 18 Convicted Charges by Restitution; Selected Provinces and Territories in Canada, 1999/00

Jurisdiction	Total Convicted Charges	Total Restitution	Restitution with Probation	Restitution Only (Stand-alone)	Other Restitution Sentences
Canada	372,570	14,434 (4%)	11,303 (78%)	138 (1%)	2993 (21%)
NS	12,161	667 (6%)	538 (81%)	8 (1%)	121 (18%)
NFLD	9653	224 (2%)	93 (42%)	1	130 (58%)
PEI	1724	241 (14%)	223 (93%)	0	18 (7%)
QUE	111,627	1711 (1.5%)	1559 (91%)	21 (1%)	131 (8%)
ON	145,591	6368 (4%)	5422 (85%)	33 (.5%)	913 (14%)
SASK	28,787	1840 (6%)	1569 (85%)	58 (3%)	213 (12%)
ALB	60,278	3218 (5%)	1835 (57%)	2	1381 (43%)

Jurisdiction	Total Convicted Charges	Total Restitution	Restitution with Probation	Restitution Only (Stand-alone)	Other Restitution Sentences
YUKON	1238	62 (5%)	0	0	62 (100%)
NWT	1511	103 (7%)	64 (62%)	15 (15%)	24 (23%)

Source: Canadian Centre for Justice Statistics (CCJS)

TABLE 19 Restitution as Percentage of Convicted Charges; Nova Scotia Compared to the Canadian Mean; 1999/00

	Total Restitution	Restitution with Probation	Restitution as Stand-alone	Other Restitution Sentences
Canadian Mean	5%	72%	1.4%	25%
NS	6%	81%	1%	18%

Tables 14 and 15 indicate that restitution in Nova Scotia is above the national mean both in terms of restitution as a percent of total convicted charges and in terms of restitution as a probation order. The tables also indicate that restitution orders, or stand-alone orders, are rarely ordered by the courts.

Overall, the report highlights the rare use of restitution orders, the difficulties of enforcement and obstacles to wider use. As well, in the study, not one victim interviewed indicated satisfaction with the restitution process. Victim dissatisfaction stems from three main factors: lack of information about the restitution process; the inability of the system to cover the costs of pain and suffering; and the lack of adequate enforcement provisions (2002, 25).

Publication Bans

This section responds to the following evaluation issue:

- How has the process involving publication bans worked?

Publication bans in non-sexual offences and exclusion of the public from a trial are used only in the most exceptional circumstances. Fewer than half of judges reported having ever granted a publication ban in non-sexual offences and having ever granted the exclusion of the public.

Crown Attorneys, judges, and defence counsel agreed that an open court is essential to maintaining public confidence in the criminal justice system.

The 1999 amendments clarified that publication bans on the identity of sexually assaulted victims protect their identity as victims of other offences committed against them by the accused. For example, if the victim is robbed and sexually assaulted, her identity as a victim of robbery could not be disclosed. In addition, the amendments provided for a discretionary publication ban for any victim or witness where necessary for the proper administration of justice.

Both Crown Attorneys and defence counsel report that requests for bans (to protect the accused) in non-sexual offences are extremely rare and are only made when there is an extremely compelling reason to do so. In interviews, Crown Attorneys and defence counsel gave several examples of instances where publication bans are most likely to be granted. Crown Attorneys mentioned child abuse cases, robberies, certain homicides, and extortion cases where the facts are sensitive, as well as cases where there are several accused having separate trials, and serious cases being tried before a jury. Defence counsel cited cases involving minors, high profile cases where the ban helps ensure a fair trial (more likely a defence counsel request), or when the requests meet the conditions and requirements of the *Criminal Code*, i.e. to protect the identity of a victim or witness in sexual offence proceedings or in accordance with other provisions of the *Code* requiring publication bans, such as bail, preliminary inquiries, or *voir dires.*

Among Crown Attorneys surveyed, one-third reported generally requesting publication bans in appropriate cases other than sexual offences. Of the remaining two-thirds who do not, 42% said that such bans are normally not necessary, while another 17% do not often request bans because they believe that court proceedings are, and should remain, open to public scrutiny.

Defence counsel surveyed are evenly split between those who usually agree to requests for publication bans in non-sexual offences and those who object (47% and 48%, respectively). Two-thirds of those who object argued that publication bans violate the principle of an open court system. In interviews, those who generally agree to the requests most often explained that publication bans benefit the accused. A few defence counsel indicated in interviews that they would agree to publication bans in non-sexual offences involving children or in cases with police informants as witnesses.

TABLE 20: Use of publication bans in non-sexual offences

	Crown Attorneys (n=188)	Defence Counsel (n=185)
	Do you generally request publication bans in non-sexual offences?	Do you generally agree to publication bans in non-sexual offences?
Yes	32%	47%
No	67%	48%
No response	1%	5%

Despite agreeing that publication bans in non-sexual assault offences are uncommon, Crown Attorneys and defence counsel nevertheless had different perceptions of the judiciary's likelihood of granting these requests. Forty-five percent of Crown Attorneys surveyed said that such requests are usually granted, while only about one quarter of the defence counsel surveyed believe they are usually granted. As for judges themselves, about one-quarter of those surveyed reported having granted an application for a publication ban in non-sexual offences. Those who had granted such bans had done so primarily in cases involving child abuse or child welfare, or had granted only partial bans (i.e., on the name of the witness).

Victim services providers and advocacy organizations, for their part, had little to say on the subject of publication bans. Very small proportions of those surveyed (11% and 15%, respectively) said that there are obstacles to their use, including the principle of an open court, Crown Attorney reluctance to make the requests, and judicial reluctance to grant them. In interviews, several victim services providers stated that victims are generally not informed of publication bans or else they are not informed sufficiently in advance to make a request, and a few suggested that publication bans do not adequately protect victims. According to the latter group, publication bans are usually applied to the name of the victim, although many other details of the crime continue to be published and can easily lead to identifying the victim. It was also suggested that more frequent use of publication bans may encourage some victims, particularly victims of spousal abuse, to come forward and report offences.

Overall Impact of Legislation

This section responds to the following evaluation issue:

- What has been the impact of the legislation on various levels of the criminal justice system?

In the Multi-Site Study, all respondent groups, except for probation and parole, were asked what, in their opinion, has been accomplished by the *Criminal Code* provisions intended to benefit victims. A large proportion of each respondent group did not answer the question. Many (particularly victim services providers) noted on the questionnaire that they did not know enough about the *Criminal Code* provisions to comment. As a result, about half of victim services providers and police, one-third of advocacy groups, and a quarter of judges, Crown Attorneys, and defence counsel did not answer this question.

All six respondent groups also mentioned that the provisions have given victims a voice in the system. About one-quarter of judges and Crown Attorneys cited this as an accomplishment of the *Criminal Code* provisions, as did about one-tenth of the remaining respondent groups. Several Crown Attorneys commented in their interviews that the *Criminal Code* provisions give victims a voice in the process and an opportunity to provide input, particularly through victim impact statements. However, several others worried that the victim impact statement, as an unintended consequence, may have created the false impression among some victims that they are entitled to make sentencing recommendations. Others mentioned the possibility of defence counsel cross-examination on the victim impact statement and said that such statements can make the victim more vulnerable if they conflict with other evidence or the victim's earlier statements. About 5% of Crown Attorneys surveyed mentioned negative effects of the victim impact statement.

Victim services providers had a more positive view of victim impact statements with 5% of those surveyed commenting on the role of the statements in giving victims a voice and empowering victims. In interviews, several stated that the number of victims submitting victim impact statements is increasing and that the option of reading the victim impact statement is a very positive development. A few of those surveyed (1%) mentioned negative effects of victim impact statements stemming from the disclosure to defence counsel and possibilities of cross-examination of victims on their statements.

Some judges, Crown Attorneys, and victim services providers also believe that victims are now more satisfied with the criminal justice system. In the survey, 16% of judges and 11% each of Crown Attorneys and victim services providers listed this as an impact of the *Criminal Code* provisions. In interviews, Crown Attorneys and judges explained further that the provisions have increased victim confidence in the criminal justice system and made victims more willing to participate in it. In particular, several Crown Attorneys said that the provisions have made it easier for victims to report crimes and to testify in court. In addition, by better protecting victims, the legislation has created more reliable witnesses who are willing to provide open and complete

testimony in court. In the survey, 12% of judges, 7% of Crown Attorneys, and 3% of victim services providers mentioned better protection of victims, and 9% of Crown Attorneys mentioned making testimony easier as accomplishments of the *Criminal Code* provisions.

The results discussed above are shown in Table 21 below (from the Multi-site study).

TABLE 21: Positive impacts of *Criminal Code* provisions to benefit victims

	Victim Services (n=318)	Crown Attorney (n=188)	Defence Counsel (n=185)	Judiciary (n=110)	Police (n=686)	Advocacy Groups (n=47)
Gives victims a voice or opportunity for input	11%	25%	12%	27%	9%	15%
More balanced criminal justice system	13%	19%	10%	24%	7%	4%
Victims more satisfied or informed	11%	11%	5%	16%	3%	
Victim testimony or experience easier	--	9%			1%	
Better protection of victims	3%	7%		12%	5%	11%
Victim impact statement positive	5%	3%		8%	2%	
More restitution	--	2%		6%		6%
Don't know or No response	52%	28%	25%	23%	47%	35%
Note: Respondents could give more than one answer; some totals sum to more than 100%.						

Multi-site study, Table 57, p.77

While the results discussed above show that many Crown Attorneys and judges believe that the legislative changes have improved the experience of victims of crime in the criminal justice system, others cautioned that it is impossible to accommodate everything that victims want in an adversarial system. There was considerable concern among Crown Attorneys, judges, and defence counsel that the provisions have inadvertently created unrealistic expectations on the part of some victims about both the level of their involvement and how that involvement might affect any decisions made. These respondents worried that if expectations are not met, this could cause disappointment or resentment (9% of Crown Attorneys, 16% of judges, and 15% of defence counsel).

Another concern was the effect of the provisions on the ability of Crown Attorneys to make independent legal decisions in their capacity as representatives of the state. This possible curtailment of Crown Attorney discretion is a larger issue for defence counsel (17%) than for Crown Attorneys (3%) or judges (2%). In interviews, several defence counsel expressed the concern that criminal justice professionals, particularly Crown Attorneys, have deviated from or abandoned their professional roles because of pressures to include the victim in the process.

Other concerns about the provisions also come primarily from defence counsel. However, Crown Attorneys, judges, and defence counsel (9%, 6%, and 11%, respectively) commented on the delays in the process caused by the provisions (e.g., the time required to consult with victims or the adjournments needed to inform victims of victim impact statements). Defence counsel also believe that the provisions have eroded accused persons' rights (10%), have achieved mainly political objectives (9%), and have reduced judicial independence (7%).

Some respondents in all categories except for judges said they believe that the *Criminal Code* provisions have accomplished little or nothing. Police and advocacy groups most often cited this concern (27% and 15%, respectively). Twelve percent of Crown Attorneys and victim services providers also expressed this belief. In interviews, victim services providers explain this lack of progress. They believe that victims remain largely uninformed of their rights and options within the criminal justice system, which continues to be mainly offender-focused, and that victims are not as involved as they should be. According to these respondents, victims continue to be traumatized by their experience within the criminal justice system and therefore continue to see the system in a negative light. Results are given in Table 22 below (taken from the Multi-site study).

TABLE 22: Negative impacts of *Criminal Code* provisions to benefit victims						
	Victim Services (n=318)	**Crown Attorneys (n=188)**	**Defence Counsel (n=185)**	**Judiciary (n=110)**	**Police (n=686)**	**Advocacy Groups (n=47)**
Delays criminal justice process	--	9%	11%	6%		
Unrealistic expectations on part of victims	--	9%	15%	16%		
Victim impact statement negative	1%	5%			<1%	
Curtails Crown Attorney discretion	--	3%	17%	2%		
Erosion of accused rights	--	--	10%			
Has achieved mainly political objectives	--	--	9%			
Reduces judicial independence	--	--	7%			
Nothing or little has been accomplished	12%	12%	13%	11%	27%	15%
Don't know or No response	52%	28%	25%	23%	47%	35%
Note: Respondents could give more than one answer; some totals sum to more than 100%.						

Multi-site study, Table 58, p.78

In summary, while all respondent groups included some comments on the limitations of the impact of the *Criminal Code* provisions, most commentary on the provisions revealed positive accomplishments. The two biggest accomplishments are the creation of a more balanced criminal justice system through increased awareness of the concerns and interests of victims and the provision of more formal mechanisms to ensure that victims have opportunities to participate and have a voice in the system.

4.3.4. Unintended Outcomes

Unintended outcomes are those side effects, either positive or negative, that may not have been original objectives, but are actual outcomes of a program or initiative's efforts.

Evaluation participants from both the focus groups and case studies offered many positive unintended outcomes of the VCI. These included:

- The FPTWG and partnerships had "positive spin-off effects such as with sentence reform, aboriginal justice and working with the Corrections community."

- Involvement in the FPTWG gave representatives greater credibility in their own jurisdictions.

- There was strong consensus-building that occurred across jurisdictions through the renewal of the *Canadian Statement of Basic Principles*. It was not expected that there would be national level consensus – which set this working group apart in comparison to other working groups in terms of consensus-building.

- Through the FPTWG meetings, which were held across the country, representatives were able to get a better sense of regional differences than they otherwise would have.

- The FPTWG did not only lead to partnerships but to a collegial sharing across provinces. There is a lot of cross-fertilization and contact across jurisdictions that did not exist before the VCI.

Case study participants also offered positive unintended outcomes of project funding:

- Crown and one judge reported that victims actually show up in court now and that there are less delays in court processes. Court processes used to get delayed because there was no one to follow-up and make sure the victim/witness attended court. Now, with VSWs/ASWs to do this task, there are less delays in the court process. In addition, a lot of victims have no transportation and will therefore hitchhike to get to court. In certain circumstances, the ASW has driven victims/witnesses to court to make sure that they get there.

- Some Crown report better testimony from victims when they are on the stand. Victims are more willing to come forward and testify – because they have someone to talk to beforehand, their confidence has increased. Other Crown interviewed reported that they often couldn't get victims to testify. These Crown suggest that project funding hasn't necessarily led to "better testimony" on the part of victims/witnesses but has simply produced some testimony.

- RCMP report that in some communities, they are laying more charges because victims are not as afraid to come forward and give evidence.

- RCMP report that the community is a bit safer with a VSW.

- Court processes are more successful because prior to the presence of a VSW, victims of spousal assault might not say anything in court, they are now becoming less and less afraid to speak out.

- The presence of a VSW in court in rural communities has reduced some of the fear and anxiety of victims who are called to testify and puts them more at ease to see a familiar face from the witness box

- VSW has helped some victims get treatment and recover from alcohol addictions.

- Crown are less concerned about the appearance of "coaching victims" because there is someone neutral to explain the court process to them.

- The presence of a VSW has helped to put pressure on the Crown to meet with victims/witnesses prior to court – the coordinator will schedule appointments with the Crown in those cases she thinks would be beneficial either to the victim or the Crown.

- Projects have created a first level of intervention before reaching a crisis situation.

- One stakeholder interviewed reported that project funding has increased the likelihood that restorative justice processes will go forward as a VSW can attend the restorative justice process on behalf of a child whereas before, the process would not go ahead (since it requires the participation of both the offender and victim) and the offender would not be able to access the program. So, indirectly, this had an unintended outcome of increasing the participation of both victims and offenders in the restorative justice process.

- Some people in rural communities have difficulty communicating in writing. Victim Service Workers are sometimes called upon to write the VIS on behalf of the victim (in the victims' words as they recite what they would like to include in the VIS) and therefore, have increased the number of VIS that are actually submitted in court.

4.3.5. Best Practices and Key Successes

Several best practices were identified by evaluation participants.

- The collaboration and success of partnerships across provincial jurisdictions and federal departments sets an example for other working groups to replicate. "*The product of 14 minds is better than the product of one mind. The working group provides a sounding board for issues from jurisdictions which can cause perceptions to change."*

- The activities of the Initiative focusing on enhancing capacity of the Department's northern colleagues working with victims of crime have worked well and are a model of integration and inclusiveness. The use of Crown Witness Co-ordinators is of substantial benefit to Crown and judges working in the Canadian territories.

- Key successes with respect to the Victims Fund have been the project staff themselves. Success of projects that involve staffing of Victim Services Workers are dependent on the abilities, skills, dedication and commitment of those hired. In all case studies, these qualities were evident.

- Interviewees overwhelmingly reported that partnerships with the projects have been very successful. In particular, project stakeholders, such as RCMP, judges, community social workers, and Crown, said that the linkages that have been made between victim services and individual communities have been invaluable both to victims of crime in those communities as well as to those working in or traveling on court circuit to those communities.

- Crown support for project funding is strong. They see VSW/ASW positions as providing good value for the money and that there is a need for more. The Crown reported that if the project funding were not to continue, his/her job would be much more difficult and victims/witnesses would be hurt since the Crown does not have the time to do all of the activities that are performed by VSWs.

- Project funding has enabled many provinces to deal with increasing caseloads with decreasing provincial funding for victim services.

4.3.6. Lessons Learned and Challenges

Several lessons learned were identified during the focus group.

- The scope and number of goals and objectives and outcomes that are directly tied to the Initiative are too wide reaching and not adequately focused.

- Informal networks are just as important as formal networks in moving forward and sharing information on victims issues.

- Jurisdictions seem to face the same issues in terms of resources and trying to advance a victim agenda. Notwithstanding, no one size fits all, there are regional issues and victims of crime are not a homogeneous group.

- Champions for victims' issues are crucial and more are needed at the federal and provincial levels.

- It is crucial to have a centre of expertise to have a place to build capacity from.

- It is useful to have smaller sub-groups within the FPTWG to focus on specific issues to enhance the efficiency of addressing individual issues.

- The more controversial issues need more time to sufficiently be explored at the FPT level.

The following are some of the challenges and lessons learned identified from the case studies.

- Having a part-time worker in a community is only a temporary fix to the problem. In many cases, a full-time person is needed and once their presence is known, part-time service just isn't sufficient.

- There is not a lot of support available to VSWs in terms of assistance (EAP programs).

- Concern that project staff, since they only receive time-limited funding, will leave as they won't feel secure with temporary or part-time work. Especially on First nations reserves, there are only a certain number of employable Band members. The lack of stability around

job future contributes to the stress load of ASWs and a lack of job incentives makes it difficult to keep VSWs in the longer term.

- Projects that experience turnover in staff are generally less successful than those that do not experience turnover. High turnover projects tend to spend more time on administrative and human resources tasks and issues instead of delivery of victim services.

4.4. Summary

The VCI has been successful in achieving the majority of its key outcomes and partially successful in achieving its objectives and overall goal. Many positive examples of successful activities and projects were communicated by a variety of Initiative beneficiaries including: Provincial/territorial Directors of Victim Services, other program areas within the Department of Justice, other federal departments, Crown, RCMP/police, and in some instances, victims themselves. In particular, there was evidence of the achievement of 6 key outcomes:

- a more integrated approach to victims' policy;
- more effective responses to the needs of victims;
- increased access to services;
- more awareness about the rights of victims;
- enhanced capacity among service providers; and,
- an innovative approach to help victims of crime.

The Initiative has also resulted in many unintended positive outcomes.

For some of the outcomes and objectives, it was not possible to obtain numerical information as data was not available across jurisdictions or was not collected pre-Initiative. This is not surprising, especially given the number of outcomes and the reach of the Initiative across a wide variety of stakeholders and beneficiaries. In addition, many jurisdictions have limited resources (both in terms of people, information technology, and financial) and do not currently have the capacity to collect large amounts of data. As well, in the fourth year of the VCI mandate, funding was cut to the Initiative to accommodate other departmental and government priorities, reducing the amount of funding available for a significant number of activities (e.g. grant and contribution funding, FPTWG meetings, funding for conference attendees) and still continue with departmental commitments in terms of planned activities, outcomes, and objectives for the VCI.

This explains some of the partial achievement responses offered during the focus groups as it is not possible for the VCI to continue to achieve the same outcomes as stipulated at the outset of the Initiative when activities and resources are reduced during its mandate.

5. COST-EFFECTIVENESS AND ALTERNATIVES

Cost-effectiveness and alternatives focuses on whether the most efficient means are used to achieve objectives relative to alternative approaches including whether another level of government could assume responsibility for the policy or program instrument. This section of the report summarizes the discussion results for the following research questions:

- If the VCI did not exist, what would be the impact?
- Are there more cost-effective ways of achieving the stated objectives of the VCI?

5.1. Alternatives

Focus group participants saw the possibility of VCI no longer existing as a step backward. This alternative would result in a more provincially-focused approach with less information sharing. There would be a lower profile given to victims' issues at the federal level in the development of legislation. As one participant put it: *"We (Victim Service Directors and service providers) would return to becoming a cry in the wilderness. "There needs to be a driver to avoid losing the focus.»* Integration and co-ordination would be lost. The following specific comments were made:

- *"There is still a lot of work to do to understand victim needs and issues, which requires resources for evidenced-based decisions and supporting knowledgeable human resources."*
- *"Expectations have been raised and these would no longer be met with concomitant impacts on current progress with victims and supporting organizations."*
- *"A permanent "seat at the table" would be lost causing a lowering of federal legitimacy in this area within the academic and government communities."*
- *"Duplication would occur involving wasted money and poor coordination. A silo mentality would prevail resulting in lost opportunities for the exchange of information."*

One key concern was raised about a second alternative: VCI continuing, but no PCVI delivery. This alternative would have Justice Canada integrate the victims' mandate into other portfolios or sections of the Department (e.g. Aboriginal Justice, Youth Justice, Northern Region) with "generic" policy analysts providing some assessment of legal policy issues from a victim's perspective. A solid and positive working relationship has already been established on victims' issues between the PCVI, the provincial/territorial Directors of victim services, and other federal departments. Participants indicated that to create legislation that effectively integrates victims' issues, there is a need to have one central area of expertise that looks at the issues in a focused manner. This proposed alternative would cause confusion and disharmony amongst the provinces/territories and the federal government. Having a victims lens requires expertise and as one participant put it: *"the alternative could do more harm than good."*

Another alternative discussed was the elimination of the Victims Fund, but the continuance of the VCI and the PCVI. Evaluation focus group respondents concluded that this would not be feasible. They noted that all the efforts and work in this area would be back on the shoulders of the provinces and territories to the extent that they had funding. There would be a variation in the implementation of federal legislation and in program delivery across Canada. Northern and rural communities, as well as smaller provinces would be more significantly affected. Participants stated that: *"Unevenness and unfairness and disparity of access would prevail…Legislation has expanded provincial obligations. The alternative would foster an even poorer financial basis for fulfilling responsibilities for victims' issues."*

5.2. Cost-effectiveness

The area of cost-effectiveness was not examined in significant detail in this evaluation as participants had difficulty comparing the cost-effectiveness of the Initiative with any other options. Focus group participants commented that it costs money and takes time to build relationships with non-governmental organizations and service providers and four years of funding is not sufficient to establish a baseline for measuring cost-effectiveness.

Participants felt that funding for the Initiative was so limited that it was hard not to deem the Initiative cost-effective simply because it had done so much with so little resources. In addition, participants chose to identify areas where cost-effectiveness could be enhanced:

- Some jurisdictions suggested that cost-effectiveness would be enhanced at the provincial level if the PCVI revisited the terms and conditions of the Victims Fund such that funding

could move away from pilot projects and more toward enhancing program delivery and core services.

- Participants wanted to see a loosening of application, budget reporting and accountability requirements for project and other funding. While this is not necessarily within the direct control of the VCI or the Department of Justice (government in general is heading toward more stringent accountability reporting), participants felt the issue needed to be brought forward in the evaluation especially when there is no proportionality between the size of a project and the costs of the necessary accountability requirements (i.e. whether a project receives $5,000 or $50,000, the same paperwork and reporting requirements must generally be met).

5.3. Summary

The combination of policy instruments (VCI – PCVI and Victims Fund – and legislation) appear to be the most effective alternatives for federal involvement in the area of victims' issues.

Participants felt that funding for the Initiative was so limited that it was hard not to deem the Initiative cost-effective simply because it had done so much with so little resources.

Given the strong commitment by the FPTWG to the Initiative, the examination of cost-effectiveness and alternatives to the VCI was a contentious issue during the focus group and angered many of the provincial/territorial participants that the federal government would even question other mechanisms of achieving objectives and outcomes. It costs money and takes time to build relationships with non-governmental organizations and service providers and four years of funding is not sufficient to establish a baseline for measuring cost-effectiveness or for developing alternatives. In addition, the success of the Initiative has made it difficult to even consider exploring other alternatives, especially when there is still a great deal of work to be accomplished within the current Initiative and the area of victims in general.

6. CONCLUSION

The VCI is highly relevant to its stakeholders and to the government's agenda. All of the individual sub-activities that are carried out on a day-to-day basis by the PCVI in pursuit of achieving the VCI's goals and objectives are either highly relevant or relevant to its key stakeholders (primarily the Federal Provincial Territorial Working Group on Victims of Crime). While this list of sub-activities is quite exhaustive in nature, it demonstrates that the PCVI is doing the right activities and working with the right stakeholders to advance a coordinated victims agenda.

While all stakeholders who took part in the evaluation felt that the Victims of Crime Initiative should be a Government of Canada priority and expressed the desire for its continued existence, there was an overwhelming sense that support at political and senior levels of the public service (both federal and in some cases provincial) on victims' issues is needed to ensure this area remains a priority for future governments. Ultimately, relevance of the Initiative will be determined by the level of support afforded by senior management in the VCI's efforts to renew its mandate.

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The VCI has been extremely successful in achieving several of its outcomes and objectives. While some outcomes were not necessarily within the scope or mandate of the VCI alone, the

contribution the Initiative has made toward their achievement is well documented. Much of the success of the Initiative is not only attributed to the PCVI but to the commitment, cooperation and participation of all provinces and territories and other federal departments toward victims issues. The FPTWG, project funding for Victim Support Workers, and funding for Crown Witness Co-ordinators in the northern territories are but only three of the many notable key successes of the Initiative. Positive and demonstrable impacts were not only evident in the policy and legislative instruments used by the VCI (e.g. FPTWG, research and policy activities), but also through grant and contribution funding which has: increased access to services, led to innovative approaches to help victims of crime, created more awareness about the rights of victims, enhanced capacity among service providers, created more integrated approaches to victims' policy and provided more effective responses to the needs of victims of crime. Importantly, these outcomes were evident on a much smaller scale (at the project level) than across the entire Initiative, however, the amount of funding that would be needed to achieve this type of change at a broader level is much greater than what is available to the PCVI. It is only possible to measure success where monies have been targeted and those tend to be in pockets of the country who access Victims Fund monies.

In conclusion, the combination of policy instruments (VCI – PCVI and Victims Fund – and legislation) appear to be the most effective alternatives for federal involvement in the area of victims' issues. Provincial/territorial service delivery has been positively enhanced as a result of the Initiative and has assisted provinces and territories in managing some of the increased workload brought about through new victims' legislation. While many provinces and territories have insufficient funding to fully assist all victims in their respective jurisdictions, the federal involvement in victims' issues has helped to provide cost-effective alternatives to raising the profile and level of funding provided to victims' issues across the country. If the role or level of federal support is diminished in the area of victims' issues, it will impact negatively upon the provinces and territories but and will also create an imbalance of focus between victims and offenders.

APPENDIX A:
Evaluation Framework

Evaluation Framework for the Summative Evaluation of the Victims of Crime Initiative	
Issues	**Questions to Examine**
Continued relevance and rationale for the Victims of Crime Initiative	• Has awareness of the victims' role in the criminal justice system increased since the Initiative was launched and the Policy Centre set up? • Is there continued need for the Victims of Crime Initiative? • What should be the future direction and focus of the Victims of Crime Initiative? • What should be the long-term role of the Policy Centre on Victims' Issues?
Success of the Victims of Crime Initiative	• How effective has the Policy Centre been in achieving its objectives? Has the Initiative met its objectives? • To what extent do victim advocates perceive that they have input into the development of policies and legislation directed to victims of crime? • How have funded projects contributed to the Policy Centre's policy development capacity? • To what extent has victims' confidence in the criminal justice system increased? That of the public? • To what extent has the policy and legislative capacity of government been enhanced? • What have been the impacts of the Initiative on provinces and territories? On victims of crime? On victim advocates? Other departments involved in the criminal justice system? • Were there any unintended impacts (positive or negative)? • What has been the impact of the Initiative on provinces and territories' implementation of Criminal Code amendments? • To what extent has research monitored the impacts of *Criminal Code* amendments and shared the results with provinces and territories? • What has been the impact of implementing the Canadian Statement of Basic Principles of Justice for Victims of Crime? • What has been the impact of funded projects? • To what extent has funding helped non-government organizations to develop innovative approaches to helping victims of crime? • Has awareness of the role of victims in the criminal justice system increased (victims, public, criminal justice personnel)? • Is there improved capacity among NGOs to submit a proposal to fund innovative projects and victim services?

Evaluation Framework for the Summative Evaluation of the Victims of Crime Initiative	
Issues	**Questions to Examine**
Alternative ways to better meet the objectives set out in the Victims of Crime Initiative	• Are there any other ways to help increase victims' confidence in the criminal justice system? • Are there other ways to better meet the objectives set out in the Victims of Crime Initiative? • To what extent has the Policy Centre leveraged funds or support from other partners inside and outside the Department? • What difference have these relationships and linkages forged by the Policy Centre made in its ability to meet its objectives? What has been the impact on its partners? • Are there any best practices that should be shared? • What lessons learned stand out from the experience? • Are there more cost-effective ways of achieving the stated objectives of the Victims of Crime Initiative? • What are strengths and weaknesses of the Initiative? • What aspects of the Initiative need to be improved?
Legislative provisions	• What effect has the legislation had on provincial and territorial victim services programming? Has there been a change in the types of victims that access services? • Have the legislative amendments (particularly the changes to the victim impact statements) changed jurisdictions' ability to serve victims of more serious crimes? • Has there been an increase in the number of victims filing victim impact statements? How many victim impact statements are completed and submitted in court? • What has been the impact on victims of completing victim impact statements? On the courts? • Are the victim surcharge provisions working? Has there been an increase in the funding available to each jurisdiction? • To what extent is the restitution component being used, and how is it working? • How has the process involving publication bans worked? • What has been the impact of the legislation on various levels of the criminal justice system?

APPENDIX B:
Historical Overview of Policy Developments

Historical Overview of Policy Developments Relating to Victims of Crime	
Year	**Description**
1973	In an effort to support victim compensation schemes, the federal government enters into cost-sharing agreements with provincial/territorial governments. Federal support ended in 1992.
1981	Creation of the Federal/Provincial Task Force on Justice for Victims of Crime. The purpose was to examine the role of victims within the criminal justice system.
1983	The Task Force issues its recommendations, which include the provision of information to victims, the development of victim services, the introduction of victim impact statements at sentencing, and the provision of compensation for losses. Bill C-127 Amendments to the *Criminal Code* with respect to sexual assault and child abduction.
1984	The Solicitor General of Canada establishes a National Victims' Resource Centre for the collection and dissemination of information on victimization research, program development, evaluation, and victim services and programs. This collection is part of the Solicitor General library. In 1988, it is handed over to the DOJ and subsequently transferred to the Access to Justice Network for dissemination through their electronic network.
1985	The United Nations adopt the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. As a co-sponsor of the *Declaration*, Canada attempts to implement this philosophy through the establishment of policies, programs, and legislation.
1987	The Department of Justice establishes a Victim Assistance Fund to promote the development of victim services in provinces and territories. It is ended in 1992.
1988	FPT governments adopt the *Statement of Basic Principles of Justice for Victims of Crime* to guide all levels of government in the development and implementation of legislation, programs, and policy for victims. Bill C-89 is introduced and provides for amendments to the *Criminal Code* regarding victim impact statements, victim fine surcharge, and restitution for victims. Bill C-15 amended the *Criminal Code* further, to address problems encountered by child victims in the courts.
1992	Parliament introduces the *Corrections and Conditional Release Act* (CCRA), allowing for the provision of information regarding the Correctional Service of Canada (CSC) and the National Parole Board (NPB) to and from victims. The CCRA allows for the attendance of victims as observers at parole hearings. Bill C-49 is introduced and provides for amendments to the *Criminal Code* with respect to sexual offences.
1993	Amendments to the *Criminal Code* enhance provisions to facilitate testimony of children
1995	The *Young Offenders Act* is amended to allow for the consideration of victim impact statements in youth court (Bill C-37).
1996	The *Criminal Code* is amended, and a number of sentencing provisions are codified (Bill C-41), including the addition of sentencing principles referring to victims, mandatory consideration of victim impact statements, and the replacement of unproclaimed provisions on restitution.
1997	Bill C-46 is introduced and provides for amendments to the *Criminal Code* restricting the production of records of complainants in sexual offence prosecutions.

Historical Overview of Policy Developments Relating to Victims of Crime	
Year	**Description**
1998	The Standing Committee on Justice and Human Rights launches a comprehensive review of victims' role in the criminal justice system. Subsequently, the Standing Committee released the report *Victims' Rights – A Voice, Not a Veto*. The Government of Canada released its response to the report of the Standing Committee.
1999	Bill C-79 is introduced and comes into effect in December. The amendments intend to enhance the safety of victims and to facilitate their participation in the criminal justice system.

APPENDIX C:
Summary of *Criminal Code* Provisions Amended by Bill C-79

Summary of *Criminal Code* Provisions Amended by Bill C-79		
Provision	**Description**	**Changes as a result of Bill C-79**
Sections 722 and 723 – Victim Impact Statements	A victim impact statement is "*a written statement prepared by a victim describing the harm and loss he or she suffered because of the crime.*» The victim is not obligated to prepare a victim impact statement but does so at his or her discretion. In the event that the victim chooses to prepare such a statement, the judge is required to consider it at the time of sentencing. A victim has the option to read his or her statement out loud at the time of sentencing.	Bill C-79 amended the *Criminal Code* so that: Victims may now read their impact statement if they wish to do so. A judge must consider the statement regardless of whether or not the victim reads it in court. A judge must inquire, before sentencing, whether the victim has been informed of the opportunity to prepare a victim impact statement. A judge can adjourn in order for the victim to prepare an impact statement or other evidence for the court about the consequences of the crime. In cases where the accused is found "not criminally responsible" by reason of mental disorder, the court or Review Boards are required to consider victim impact statements. Information from the surviving victims may be considered in proceedings pursuant to s. 745.6, where an offender sentenced to life for murder applies for a reduction in the number of years before he/she is eligible to apply for parole.

Summary of *Criminal Code* Provisions Amended by Bill C-79		
Provision	**Description**	**Changes as a result of Bill C-79**
Section 737 – Victim Surcharge	A victim surcharge is *"an additional monetary penalty imposed on offenders at the time of sentencing.»* It is imposed on offenders convicted or discharged of a *Criminal Code* offence or an offence under the *Controlled Drugs and Substances Act*. The revenue generated by the surcharge is collected by the provincial and territorial governments and used to provide assistance to victims of crime through programs and services.	Prior to Bill C-79, the surcharge had to be imposed by the judge and was an amount up to $35 or up to 15% of the fine (the amount was set out in regulations). Following the amendments to the *Criminal Code*, the surcharge amount was fixed in the Code (i.e. not an amount up to) and the surcharge became automatically added on to the sentence unless waived by the judge due to undue hardship. The judge also has a power to increase the surcharge in appropriate circumstances. Finally, as a result of the amendments, a judge now has the discretionary power to increase the victim surcharge if such action is deemed appropriate in the circumstances and if the judge is satisfied that the offender can pay more.

Summary of *Criminal Code* Provisions Amended by Bill C-79		
Provision	**Description**	**Changes as a result of Bill C-79**
Sections 276.2, 276.3, 486, 715.1 and 715.2 – Publication bans and facilitating testimony	While criminal proceedings are generally held in open court, the *Criminal Code* sets out a number of exceptions in order to protect the privacy of victims. ***Publication bans***: judges must issue an order prohibiting publication of the identity of sexual offence victims on application. Where deemed necessary for the proper administration of justice, a judge may order a publication ban, upon application, on the identity of a victim or witness of any offence. ***Facilitating testimony***: in sexual offence proceedings, a support person may accompany a witness under the age of 14 years or who has a mental or physical disability. Additionally, a witness of specified offences, including sexual offences, who is under the age of 18 years or who has difficulty communicating can provide testimony from behind a screen or by closed circuit television. A judge may prohibit personal cross-examination, by a self-represented accused, of a witness under the age of 18 years in sexual or personal violence offences. The court may appoint counsel for the cross-examination. In proceedings relating to specified sexual offences, a victim/witness under the age of 18 years at the time of the alleged offence, or a victim/witness who has difficulty communicating, may provide testimony on videotape.	The amendments to the *Criminal Code* allow any victim or witness under the age of 14 or a victim or witness with a mental or physical disability to be accompanied by a support person while giving testimony in certain proceedings. Additionally, Bill C-79 extended the protections restricting personal cross-examination by self-represented accused, of witnesses/victims of sexual or violent crime who are under the age of 18 (up from 14). Publication bans may now be ordered for a wider range of victims and witnesses where the victim/witness establishes the need for the restriction and the judge determines it necessary for the proper administration of justice. Where a publication ban is ordered on the identity of a victim of a sexual offence, his or her identity will also be protected with regard to any other offence committed against him or her by the accused.
Source: DOJ and PCVI websites and fact sheets.		